

110TH CONGRESS
1ST SESSION

H. R. 1585

To authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2007

Mr. SKELTON (for himself and Mr. HUNTER) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2008”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 (a) DIVISIONS.—This Act is organized into two divi-
8 sions as follows:

1 (1) Division A—Department of Defense Au-
2 thorizations.

3 (2) Division B—Military Construction Author-
4 izations.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

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TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Rapid Acquisition Fund.
Sec. 106. Joint Improvised Explosive Device Defeat Fund.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army programs.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for Virginia Class submarine program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Missile Defense Programs

Sec. 211. Fielding of ballistic missile defense capabilities.

TITLE III—OPERATION AND MAINTENANCE

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Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.

Subtitle B—Environmental Provisions

- Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska.
- Sec. 312. Payment to EPA of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
- Sec. 313. Promoting privately conducted responsible, compliant, and economically beneficial environmental restoration at closed installations.
- Sec. 314. Enhanced encroachment protection.
- Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Modification of prohibition on contracts for performance of fire-fighting or security-guard functions.
- Sec. 322. Flexibility in use of low density/high demand military personnel.

Subtitle D—Other Matters

- Sec. 331. Reimbursement for National Guard military support to civilian law enforcement.
- Sec. 332. Extend period to transfer funds into the foreign currency fluctuations account.
- Sec. 333. Availability of Appropriations for unusual cost overruns and for changes in scope of work for ship overhaul, maintenance, and repair.
- Sec. 334. Reasonable restrictions on the payment of full replacement value for personal property claims of civilians.
- Sec. 335. Revised authority for Army industrial facilities to engage in cooperative activities with non-Army entities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.
- Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Increase in authorized strengths for Army officers on active duty in the grade of major to meet new force structure requirements.
- Sec. 502. Increase in authorized strengths for Navy officers on active duty in the grades of lieutenant commander, commander, and captain to meet new force structure requirements.
- Sec. 503. Enhanced authority for reserve general and flag officers to serve on active duty.
- Sec. 504. Reenlistment of officers in their former enlisted grade.
- Sec. 505. Discharge of probationary officers and force shaping authority.
- Sec. 506. Addition of all Navy permanent military professors to the list of exemptions to DOPMA authorized grade limitations.
- Sec. 507. Mandatory separation of reserve officers in the grade of lieutenant general or vice admiral.
- Sec. 508. Temporary suspension of eligibility for education benefit.
- Sec. 509. Increased tenure for general and flag officers.
- Sec. 510. Amendment of years of service provision to conform with extended mandatory retirement age for active-duty general and flag officers.

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- Sec. 521. Duty of regular members of the Army and Air Force with the National Guard.
- Sec. 522. Enforcement of voluntary service agreements.
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- Sec. 526. Nuclear officer incentive pay: continuation pay eligibility.

Subtitle C—Education and Training

- Sec. 531. Issue of serviceable material other than to Armed Forces.
- Sec. 532. Authority for permanent professors at the service military academies or military graduate schools to sit as members of promotion boards.
- Sec. 533. Career military professors of the Navy: promotions.

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- Sec. 541. Shorten eight year mandatory service obligation for qualified health professionals in critical specialties.
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Subtitle E—Military Justice Matters

- Sec. 551. Permit secretary to designate persons eligible for legal assistance.

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- Sec. 571. Elimination of annual limit on number of ROTC scholarships under Army Reserve and National Guard program.
- Sec. 572. Creation of uniform military band performance authority; clarification of circumstances that create competition with local civilian musicians.
- Sec. 573. Recovery of missing military property by the Navy and Marine Corps.
- Sec. 574. Flexible management of deployments of members.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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- Sec. 601. Allowance for reserve screening.
- Sec. 602. JROTC instructor stipends for hard-to-fill areas.
- Sec. 603. Income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service.
- Sec. 604. Revisions to tuition assistance authority.
- Sec. 605. Montgomery GI Bill for the Selected Reserve benefits for certain members affected by force shaping initiatives.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pays for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
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- Sec. 616. Enhancement of Referral Bonus to Encourage Service in the Army.
- Sec. 617. Enhancement of Selected Reserve accession bonus authority.
- Sec. 618. Special pay; reenlistment bonus for members of the Selected Reserve.
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- Sec. 621. Accession bonus for participants in the armed forces health professional scholarship and financial assistance program.
- Sec. 622. Accession bonus for members appointed as commissioned officers after attending officer candidate school.

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- Sec. 632. Survivor benefit plan; extension of period for election deemed to have been made.
- Sec. 633. Allowing member to submit application for direct payment.
- Sec. 634. Division of retired pay to be based on member's length of service and pay grade at time of divorce.
- Sec. 635. Increases for divisions of retired pay expressed as a dollar amount.
- Sec. 636. Revocation of ten-year rule for direct payment of retired pay.
- Sec. 637. Survivor benefit plan; multiple beneficiaries.
- Sec. 638. Survivor benefit plan; financial responsibility for survivor benefit plan participation.
- Sec. 639. Survivor benefit plan; presumptive proportionate share.

Subtitle D—Commissary and Nonappropriated Fund Instrumentality Benefits

- Sec. 641. Continuation of commissary and exchange privileges.

Subtitle E—Other Matters

- Sec. 651. Change in the definition of sea duty for career sea pay to include multi-crew ships.
- Sec. 652. Establishment of Army incentive fund.
- Sec. 653. Expansion of Selected Reserve education loan repayment program.
- Sec. 654. Allow member to waive notice and provide court order upon request.
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- Sec. 656. Clarifying amendment regarding jurisdiction for purposes of allocation of retired pay under the Uniformed Services Former Spouse Protection Act.

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TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

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- Sec. 802. Limited authorization to acquire items produced in Iraq or Afghanistan for use by Iraqi or Afghani forces.
- Sec. 803. Minimum annual purchase for Civil Reserve Air Fleet contracts.
- Sec. 804. Revisions to required receipt objectives for previously authorized disposals from the national defense stockpile.

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- Sec. 811. Revitalization of Department of Defense laboratories.
- Sec. 812. Extension of the authority to carry out certain prototype projects.
- Sec. 813. Multiyear procurement authority for electricity from renewable energy sources.
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- Sec. 911. Change in termination requirement for Chemical Demilitarization Citizens' Advisory Commissions.

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- Sec. 921. Repeal of standards of mandatory disqualification from eligibility for Department of Defense security clearance.
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- Sec. 1001. Short-term investment of burden sharing contributions from Republic of Korea.
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- Sec. 1011. Temporary waiver of the minimum aircraft carrier requirement.

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- Sec. 1043. Prompt conversion of Army forces in Hawaii.
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TITLE XI—CIVILIAN PERSONNEL MATTERS

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TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

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- Sec. 1201. Provision of support and services to foreign military and state aircraft.

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- Sec. 1211. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs.

Subtitle C—Other Matters

- Sec. 1221. Amendment to the composition of the Board of Visitors of the Western Hemisphere Institute for Security Cooperation.

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TERRORISM AND RELATED SECURITY MATTERS

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2008

- Sec. 1401. Army procurement.
- Sec. 1402. Navy and Marine Corps procurement.
- Sec. 1403. Air Force procurement.
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- Sec. 1405. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1406. Research, development, test, and evaluation.
- Sec. 1407. Operation and maintenance funding.
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- Sec. 1409. Other Department of Defense programs.
- Sec. 1410. Iraq Freedom Fund.
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- Sec. 1414. Military personnel.
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- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
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TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
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TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Modification of authority to carry out certain fiscal year 2006 projects.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
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TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
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- Sec. 2501. Authorized NATO construction and land acquisition projects.
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- Sec. 2601. Authorization of appropriations, chemical demilitarization construction, defense-wide.

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- Sec. 2802. Extension of authorizations of certain fiscal year 2005 projects.
- Sec. 2803. Extension of authorizations of certain fiscal year 2004 projects.

TITLE XXIX—MILITARY CONSTRUCTION GENERAL PROVISIONS

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- Sec. 2901. Alternative authority for acquisition and improvement of military housing.
- Sec. 2902. Increased threshold for congressional notification of leases for military family housing facilities in a foreign country.
- Sec. 2903. Updating foreign currency fluctuation adjustment for certain military family housing leases in Korea.
- Sec. 2904. Flexibility in determining domestic family housing lease maximums.
- Sec. 2905. Extension of authority to accept equalization payments for facility exchanges.
- Sec. 2906. Flexible financing of military housing privatization initiative.

Subtitle B—Real Property and Facilities Administration

- Sec. 2911. Consolidation of real property provisions without substantive change.
- Sec. 2912. Transfer of the Air Force Memorial to the Department of the Air Force.
- Sec. 2913. Expansion of authority to exchange reserve component facilities.

Subtitle C—Land Conveyances

Sec. 2921. Land transfer of Arlington Naval Annex to Arlington National Cemetery.

Subtitle D—Other Matters

Sec. 2931. Authority to use operation and maintenance funds for construction projects outside the United States.

Sec. 2932. Streamlining military construction to reduce facility acquisition and construction cycle time.

1 **DIVISION A—DEPARTMENT OF**
 2 **DEFENSE AUTHORIZATIONS**
 3 **TITLE I—PROCUREMENT**
 4 **Subtitle A—Authorization of**
 5 **Appropriations**

6 **SEC. 101. ARMY.**

7 Funds are hereby authorized to be appropriated for
 8 fiscal year 2008 for procurement for the Army as follows:

9 (1) For aircraft, \$4,179,848,000.

10 (2) For missiles, \$1,645,485,000.

11 (3) For weapons and tracked combat vehicles,
 12 \$3,089,998,000.

13 (4) For ammunition, \$2,190,576,000.

14 (5) For other procurement, \$12,647,099,000.

15 **SEC. 102. NAVY AND MARINE CORPS.**

16 (a) NAVY.—Funds are hereby authorized to be appro-
 17 priated for fiscal year 2008 for procurement for the Navy
 18 as follows:

19 (1) For aircraft, \$12,747,767,000.

20 (2) For weapons, including missiles and tor-
 21 pedoes, \$3,084,387,000.

1 (3) For shipbuilding and conversion,
2 \$13,656,120,000.

3 (4) For other procurement, \$5,470,412,000.

4 (b) MARINE CORPS.—Funds are hereby authorized to
5 be appropriated for fiscal year 2008 for procurement for
6 the Marine Corps in the amount of \$2,999,057,000.

7 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
8 are hereby authorized to be appropriated for fiscal year
9 2008 for procurement of ammunition for the Navy and
10 Marine Corps in the amount of \$760,484,000.

11 **SEC. 103. AIR FORCE.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2008 for procurement for the Air Force as fol-
14 lows:

15 (1) For aircraft, \$12,393,270,000.

16 (2) For ammunition, \$868,917,000.

17 (3) For missiles, \$5,131,002,000.

18 (4) For other procurement, \$15,421,162,000.

19 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2008 for Defense-wide procurement in the
22 amount of \$3,318,834,000.

1 **SEC. 105. RAPID ACQUISITION FUND.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2008 for Rapid Acquisition Fund in the
4 amount of \$100,000,000.

5 **SEC. 106. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
6 **FUND.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2008 for Joint Improvised Explosive Device
9 Defeat Fund in the amount of \$500,000,000.

10 **Subtitle B—Army Programs**

11 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
12 **ARMY PROGRAMS.**

13 Beginning with the fiscal year 2008 program year,
14 the Secretary of the Army may, in accordance with section
15 2306b of title 10, United States Code, enter into multi-
16 year contracts for procurement of the following:

- 17 (1) Army Ch-Chinook Helicopter;
18 (2) M1A2 Abrams System Enhancement Pack-
19 age upgrades, and
20 (3) M2A3/M3A3 Bradley upgrades.

21 **Subtitle C—Navy Programs**

22 **SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**
23 **GINIA CLASS SUBMARINE PROGRAM.**

24 (a) **AUTHORITY.**—The Secretary of the Navy may, in
25 accordance with section 2306b of title 10, United States
26 Code, enter into multiyear contracts, beginning with the

1 fiscal year 2009 program year, for the procurement of Vir-
2 ginia-class submarines and government-furnished equip-
3 ment.

4 (b) LIMITATIONS.—The Secretary of the Navy may
5 not enter into a contract authorized by subsection (a)
6 until—

7 (1) the Secretary submits to the congressional
8 defense committees a certification that the Secretary
9 has made each of the findings with respect to such
10 contract specified in subsection (a) of section 2306b
11 of title 10, United States Code; and

12 (2) a period of 30 days has elapsed after the
13 date of the transmission of such certification.

14 **TITLE II—RESEARCH, DEVELOP-**
15 **MENT, TEST, AND EVALUA-**
16 **TION**

17 **Subtitle A—Authorization of**
18 **Appropriations**

19 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2008 for the use of the Department of Defense
22 for research, development, test, and evaluation, as follows:

23 (1) For the Army, \$10,589,604,000.

24 (2) For the Navy, \$17,075,536,000.

25 (3) For the Air Force, \$26,711,940,000.

1 (4) For Defense-wide activities,
2 \$20,740,114,000, of which \$180,264,000 is author-
3 ized for the Director of Operational Test and Eval-
4 uation.

5 **Subtitle B—Missile Defense**
6 **Programs**

7 **SEC. 211. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**
8 **BILITIES.**

9 Upon approval by the Secretary of Defense, funds au-
10 thorized to be appropriated for fiscal year 2009 for re-
11 search, development, test, and evaluation for the Missile
12 Defense Agency may be used for the development and
13 fielding of ballistic missile defense capabilities.

14 **TITLE III—OPERATION AND**
15 **MAINTENANCE**

16 **Subtitle A—Authorization of**
17 **Appropriations**

18 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2008 for the use of the Armed Forces and other
21 activities and agencies of the Department of Defense, for
22 expenses, not otherwise provided for, for operation and
23 maintenance, in amounts as follows:

24 (1) For the Army, \$28,924,973,000.

25 (2) For the Navy, \$33,334,690,000.

- 1 (3) For the Marine Corps, \$4,961,393,000.
- 2 (4) For the Air Force, \$33,655,633,000.
- 3 (5) For the Defense-wide activities,
4 \$22,574,278,000.
- 5 (6) For the Army Reserve, \$2,508,062,000.
- 6 (7) For the Navy Reserve, \$1,186,883,000.
- 7 (8) For the Marine Corps Reserve,
8 \$208,637,000.
- 9 (9) For the Air Force Reserve, \$2,692,077,000.
- 10 (10) For the Army National Guard,
11 \$5,840,209,000.
- 12 (11) For the Air National Guard,
13 \$5,041,965,000.
- 14 (12) For the United States Court of Appeals
15 for the Armed Forces, \$11,971,000.
- 16 (13) For Environmental Restoration, Army,
17 \$434,879,000.
- 18 (14) For Environmental Restoration, Navy,
19 \$300,591,000.
- 20 (15) For Environmental Restoration, Air Force,
21 \$458,428,000.
- 22 (16) For Environmental Restoration, Defense-
23 wide, \$12,751,000.
- 24 (17) For Environmental Restoration, Formerly
25 Used Defense Sites, \$250,249,000.

1 (18) For Overseas Humanitarian, Disaster, and
2 Civic Aid programs, \$103,300,000.

3 (19) For Former Soviet Union Threat Reduc-
4 tion programs, \$348,048,000.

5 (20) For the Overseas Contingency Operations
6 Transfer Fund, \$5,000,000.

7 **SEC. 302. WORKING CAPITAL FUNDS.**

8 Funds are hereby authorized to be appropriated for
9 fiscal year 2008 for the use of the Armed Forces and other
10 activities and agencies of the Department of Defense for
11 providing capital for working capital and revolving funds
12 in amounts as follows:

13 (1) For the Defense Working Capital Funds,
14 \$1,352,746,000.

15 (2) For the National Defense Sealift Fund,
16 \$1,079,094,000.

17 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

18 (a) **DEFENSE HEALTH PROGRAM.**—Funds are here-
19 by authorized to be appropriated for the Department of
20 Defense for fiscal year 2008 for expenses, not otherwise
21 provided for, for the Defense Health Program, in the
22 amount of \$20,679,124,000, of which—

23 (1) \$20,182,381,000 is for Operation and
24 Maintenance;

1 (2) \$134,482,000 is for Research, Development,
2 Test, and Evaluation; and

3 (3) \$362,261,000 is for Procurement.

4 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-
5 TION, ARMY.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—

7 Funds are hereby authorized to be appropriated for
8 the Department of Defense for fiscal year 2008 for
9 expenses, not otherwise provided for, for Chemical
10 Agents and Munitions Destruction, in the amount of
11 \$1,455,724,000, of which—

12 (A) \$1,198,086,000 is for Operation and
13 Maintenance;

14 (B) \$221,212,000 is for Research, Devel-
15 opment, Test, and Evaluation; and

16 (C) \$36,426,000 is for Procurement.

17 (2) USE.—Amounts authorized to be appro-
18 priated under paragraph (1) are authorized for—

19 (A) the destruction of lethal chemical
20 agents and munitions in accordance with sec-
21 tion 1412 of the Department of Defense Au-
22 thorization Act, 1986 (50 U.S.C. 1521); and

23 (B) the destruction of chemical warfare
24 materiel of the United States that is not cov-
25 ered by section 1412 of such Act.

1 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-
 2 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
 3 to be appropriated for the Department of Defense for fis-
 4 cal year 2008 for expenses, not otherwise provided for, for
 5 Drug Interdiction and Counter-Drug Activities, Defense-
 6 wide, in the amount of \$936,822,000.

7 (d) DEFENSE INSPECTOR GENERAL.—Funds are
 8 hereby authorized to be appropriated for the Department
 9 of Defense for fiscal year 2008 for expenses, not otherwise
 10 provided for, for the Office of the Inspector General of
 11 the Department of Defense, in the amount of
 12 \$215,995,000, of which—

13 (1) \$214,995,000 is for Operation and Mainte-
 14 nance; and

15 (2) \$1,000,000 is for Procurement.

16 **Subtitle B—Environmental** 17 **Provisions**

18 **SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
 19 **TION AGENCY FOR CERTAIN COSTS IN CON-**
 20 **NECTION WITH THE ARCTIC SURPLUS SUPER-**
 21 **FUND SITE, FAIRBANKS, ALASKA.**

22 From funds authorized to be appropriated by section
 23 301(16) for Environmental Restoration, Defense-wide, the
 24 Secretary of Defense may, notwithstanding section 2215
 25 of title 10, United States Code, transfer not more than

1 \$186,625.38 to the Hazardous Substance Superfund to
2 reimburse the Environmental Protection Agency for costs
3 incurred pursuant to the agreement known as “In the
4 Matter of Arctic Surplus Superfund Site, U.S. EPA Dock-
5 et Number CERCLA–10–2003–0114: Administrative
6 Order on Consent for Remedial Design and Remedial Ac-
7 tion,” entered into by the Department of Defense and the
8 Environmental Protection Agency on December 11, 2003.

9 **SEC. 312. PAYMENT TO EPA OF STIPULATED PENALTIES IN**
10 **CONNECTION WITH JACKSON PARK HOUSING**
11 **COMPLEX, WASHINGTON.**

12 From funds authorized to be appropriated by section
13 301(14) for operation and maintenance for Environmental
14 Restoration, Navy, the Secretary of the Navy may, not-
15 withstanding section 2215 of title 10, United States Code,
16 transfer not more than \$40,000.00 to the Hazardous Sub-
17 stance Superfund to pay a stipulated penalty assessed by
18 the Environmental Protection Agency on October 25,
19 2005, against the Jackson Park Housing Complex, Wash-
20 ington, for the Navy’s failure to timely submit a draft final
21 Phase II Remedial Investigation Work Plan for the Jack-
22 son Park Housing Complex Operable Unit (OU–3T–
23 JPHC) pursuant to a schedule included in an Interagency
24 Agreement (Administrative Docket No. CERCLA–10–
25 2005–0023).

1 **SEC. 313. PROMOTING PRIVATELY CONDUCTED RESPON-**
2 **SIBLE, COMPLIANT, AND ECONOMICALLY**
3 **BENEFICIAL ENVIRONMENTAL RESTORATION**
4 **AT CLOSED INSTALLATIONS.**

5 Section 2905(e) of the Defense Base Closure and Re-
6 alignment Act of 1990 (part A of title XXIX of Public
7 Law 101–510; 10 U.S.C. 2687 note) is amended—

8 (1) in paragraph (1)—

9 (A) in subparagraph (A), by striking “,
10 waste management, and environmental compli-
11 ance”;

12 (B) in subparagraph (B), by striking “ex-
13 clusively for the use” and all that follows
14 through the period at the end of the subpara-
15 graph and inserting “for purposes other than to
16 assist the homeless.”; and

17 (C) in subparagraph (C), by inserting be-
18 fore the period at the end the following: “, and
19 shall require appropriate financial assurance (as
20 determined by the Secretary) by the property
21 recipient for environmental restoration activities
22 not otherwise addressed by paragraph (5)”;

23 (2) in paragraph (2), by striking “Congress
24 that” and all that follows through the end and in-
25 serting “Congress that the resulting transaction
26 will—

1 “(A) ensure that all response actions nec-
2 essary to protect human health and the environ-
3 ment will be completed;

4 “(B) provide an economically sound trans-
5 action for the United States; and

6 “(C) promote rapid reuse of the prop-
7 erty.”.

8 (3) by striking paragraph (3);

9 (4) by redesignating paragraphs (4), (5), and
10 (6) as paragraphs (3), (4), and (5), respectively;

11 (5) in paragraph (5), as so redesignated, by
12 striking “paragraph (4)” and inserting “paragraph
13 (3)”; and

14 (6) by adding at the end the following new
15 paragraph (6):

16 “(6) Any payments received pursuant to an
17 agreement under paragraph (1) at an installation
18 approved for closure or realignment on or before
19 January 1, 2005, shall be deposited into the account
20 established pursuant to section 2906. Any payments
21 received under paragraph (1) at an installation ap-
22 proved for closure or realignment after January 1,
23 2005, shall be deposited into the account established
24 pursuant to section 2906A.”.

1 **SEC. 314. ENHANCED ENCROACHMENT PROTECTION.**

2 Section 2684a(d) of title 10, United States Code, is
3 amended—

4 (1) by redesignating paragraphs (3), (4), (5),
5 and (6) as paragraphs (4), (5), (6), and (7), respec-
6 tively;

7 (2) by inserting after paragraph (2) the fol-
8 lowing new paragraph (3):

9 “(3) An agreement with an eligible entity under
10 subsection (a)(2) of this section may provide for the
11 management of natural resources and the contribu-
12 tion by the United States towards natural resource
13 management costs on any real property in which a
14 military department has acquired any right title or
15 interest in accordance with paragraph (1)(A) where
16 there is a demonstrated need to preserve or restore
17 habitat for purposes of subsection (a)(2).”; and

18 (3) in paragraph (4)(C), as redesignated by
19 paragraph (1), by striking “equal to the fair market
20 value” and all that follows through the period at the
21 end and inserting “equal to—

22 “(i) the fair market value of any prop-
23 erty or interest in property to be trans-
24 ferred to the United States upon the re-
25 quest of the Secretary concerned under
26 paragraph (5); or

1 “(ii) at the discretion of the Secretary
2 concerned, the cumulative fair market
3 value of all properties or interests to be
4 transferred to the United States under
5 paragraph (5) pursuant to an agreement
6 under subsection (a).”.

7 **SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
8 **TION AGENCY FOR CERTAIN COSTS IN CON-**
9 **NECTION WITH MOSES LAKE WELLFIELD**
10 **SUPERFUND SITE, MOSES LAKE, WASH-**
11 **INGTON.**

12 From funds authorized to be appropriated by section
13 301(16) for Environmental Restoration, Defense-wide, the
14 Secretary of Defense may, notwithstanding section 2215
15 of title 10, United States Code, transfer not more than
16 \$91,588.51 to the Moses Lake Wellfield Superfund Site
17 10–6J Special Account to reimburse the Environmental
18 Protection Agency for costs incurred pursuant to a reme-
19 dial investigation/feasibility study performed by the De-
20 partment of the Army under the Defense Environmental
21 Restoration Program at the former Larson Air Force
22 Base, Moses Lake Superfund Site, Moses Lake, Wash-
23 ington, provided for in the interagency agreement entered
24 into by the Department of the Army and the Environ-

1 mental Protection Agency for the Moses Lake Wellfield
2 Superfund Site in March 1999.

3 **Subtitle C—Workplace and Depot**
4 **Issues**

5 **SEC. 321. MODIFICATION OF PROHIBITION ON CONTRACTS**
6 **FOR PERFORMANCE OF FIREFIGHTING OR**
7 **SECURITY-GUARD FUNCTIONS.**

8 Section 2465(b)(4) of title 10, United States Code,
9 is amended by inserting “or security-guard” after “fire-
10 fighting” both places it appears.

11 **SEC. 322. FLEXIBILITY IN USE OF LOW DENSITY/HIGH DE-**
12 **MAND MILITARY PERSONNEL.**

13 Paragraph (4) of section 2465(b) of title 10, United
14 States Code, is amended to read as follows:

15 “(4) A contract for the performance of security-
16 guard or firefighting functions that the Secretary of
17 Defense determines are, or otherwise would be, per-
18 formed by members of the armed forces.”.

19 **Subtitle D—Other Matters**

20 **SEC. 331. REIMBURSEMENT FOR NATIONAL GUARD MILI-**
21 **TARY SUPPORT TO CIVILIAN LAW ENFORCE-**
22 **MENT.**

23 Section 377 of title 10, United States Code, is
24 amended—

1 (1) in subsection (a), by striking “To” and in-
2 serting “Subject to subsection (c), to”;

3 (2) by redesignating subsection (b) as sub-
4 section (c);

5 (3) by inserting after subsection (a) the fol-
6 lowing new subsection (b):

7 “(b)(1) Subject to subsection (c), the Secretary of
8 Defense shall require a federal civilian law enforcement
9 agency to which support is provided by National Guard
10 personnel authorized to perform other duty under section
11 502(f) of title 32, to reimburse the Department of Defense
12 for the costs of that support, notwithstanding any other
13 provision of law. No other provision of this chapter shall
14 apply to such support.

15 “(2) Any funds received by the Department of De-
16 fense as reimbursement for support provided by units or
17 members of the National Guard under this subsection
18 shall be credited, at the option of the Secretary of Defense,
19 to:

20 “(A) the appropriation, fund, or account used
21 to fund the support; or

22 “(B) the appropriate appropriation, fund, or ac-
23 count currently available for such purpose.”; and

24 (4) in subsection (c), as redesignated by para-
25 graph (2)—

1 (A) in the matter preceding paragraph (1),
2 by inserting “or under section 502(f) of title
3 32” after “under this chapter”; and

4 (B) in paragraph (2), by inserting “or
5 units or members of the National Guard” after
6 “Department of Defense”.

7 **SEC. 332. EXTEND PERIOD TO TRANSFER FUNDS INTO THE**
8 **FOREIGN CURRENCY FLUCTUATIONS AC-**
9 **COUNT.**

10 Section 2779 of title 10, United States Code, is
11 amended—

12 (1) in subsection (a)(2), by striking “second”
13 and inserting “fifth”; and

14 (2) in subsection (d)(2), by striking “second”
15 and inserting “fifth”.

16 **SEC. 333. AVAILABILITY OF APPROPRIATIONS FOR UN-**
17 **USUAL COST OVERRUNS AND FOR CHANGES**
18 **IN SCOPE OF WORK FOR SHIP OVERHAUL,**
19 **MAINTENANCE, AND REPAIR.**

20 (a) IN GENERAL.—Section 7313 of title 10, United
21 States Code, is amended—

22 (1) in subsection (a), by striking “an industrial-
23 fund activity” and inserting “a Center of Industrial
24 and Technical Excellence”; and

25 (2) in subsection (b)(1)—

1 (A) by striking “for payments to an indus-
 2 trial-fund activity” and inserting “for costs in-
 3 curred by a Center of Industrial and Technical
 4 Excellence”; and

5 (B) by striking “the industrial-fund activ-
 6 ity” and inserting “the Center of Industrial and
 7 Technical Excellence”.

8 (b) CLERICAL AMENDMENT.—(1) Such section is fur-
 9 ther amended by amending the section heading to read
 10 as follows:

11 **“§ 7313. Availability of appropriations for unusual**
 12 **cost overruns and for changes in scope of**
 13 **work for ship overhaul, maintenance, and**
 14 **repair”;**

15 and

16 (2) The table of contents at the beginning of chapter
 17 633 of such title is amended by striking the item relating
 18 to section 7313 and inserting the following new item:

“7313. Availability of appropriations for unusual cost overruns and for changes
 in scope of work for ship overhaul, maintenance, and repair.”.

19 **SEC. 334. REASONABLE RESTRICTIONS ON THE PAYMENT**
 20 **OF FULL REPLACEMENT VALUE FOR PER-**
 21 **SONAL PROPERTY CLAIMS OF CIVILIANS.**

22 Section 2636a(d) of title 10, United States Code, is
 23 amended by adding at the end the following new sentence:
 24 “The regulations may require members of the armed

1 forces or civilian employees of the Department of Defense
2 to comply with reasonable restrictions in order to receive
3 benefits under this section.”.

4 **SEC. 335. REVISED AUTHORITY FOR ARMY INDUSTRIAL FA-**
5 **CILITIES TO ENGAGE IN COOPERATIVE AC-**
6 **TIVITIES WITH NON-ARMY ENTITIES.**

7 Section 4544 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a), by adding at the end the
10 following new sentence: “The Army is authorized not
11 more than eight contracts or cooperative arrange-
12 ments in total under this section.”; and

13 (2) by striking subsection (k).

14 **TITLE IV—MILITARY**
15 **PERSONNEL AUTHORIZATIONS**
16 **Subtitle A—Active Forces**

17 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

18 The Armed Forces are authorized strengths for active
19 duty personnel as of September 30, 2008, as follows:

20 (1) The Army, 489,400.

21 (2) The Navy, 328,400.

22 (3) The Marine Corps, 180,000.

23 (4) The Air Force, 328,600.

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2008, as follows:

6 (1) The Army National Guard of the United
7 States, 351,300.

8 (2) The Army Reserve, 205,000.

9 (3) The Navy Reserve, 67,800.

10 (4) The Marine Corps Reserve, 39,600.

11 (5) The Air National Guard of the United
12 States, 106,700.

13 (6) The Air Force Reserve, 67,500.

14 (7) The Coast Guard Reserve, 10,000.

15 (b) ADJUSTMENTS.—The end strengths prescribed by
16 subsection (a) for the Selected Reserve of any reserve com-
17 ponent shall be proportionately reduced by—

18 (1) the total authorized strength of units orga-
19 nized to serve as units of the Selected Reserve of
20 such component which are on active duty (other
21 than for training) at the end of the fiscal year; and

22 (2) the total number of individual members not
23 in units organized to serve as units of the Selected
24 Reserve of such component who are on active duty
25 (other than for training or for unsatisfactory partici-

1 pation in training) without their consent at the end
2 of the fiscal year.

3 Whenever such units or such individual members are re-
4 leased from active duty during any fiscal year, the end
5 strength prescribed for such fiscal year for the Selected
6 Reserve of such reserve component shall be increased pro-
7 portionately by the total authorized strengths of such
8 units and by the total number of such individual members.

9 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
10 **DUTY IN SUPPORT OF THE RESERVES.**

11 Within the end strengths prescribed in section
12 411(a), the reserve components of the Armed Forces are
13 authorized, as of September 30, 2008, the following num-
14 ber of Reserves to be serving on full-time active duty or
15 full-time duty, in the case of members of the National
16 Guard, for the purpose of organizing, administering, re-
17 cruiting, instructing, or training the reserve components:

18 (1) The Army National Guard of the United
19 States, 29,204.

20 (2) The Army Reserve, 15,870.

21 (3) The Navy Reserve, 11,579.

22 (4) The Marine Corps Reserve, 2,261.

23 (5) The Air National Guard of the United
24 States, 13,936.

25 (6) The Air Force Reserve, 2,721.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
2 **(DUAL STATUS).**

3 The minimum number of military technicians (dual
4 status) as of the last day of fiscal year 2008 for the re-
5 serve components of the Army and the Air Force (notwith-
6 standing section 129 of title 10, United States Code) shall
7 be the following:

8 (1) For the Army Reserve, 8,249.

9 (2) For the Army National Guard of the United
10 States, 26,502.

11 (3) For the Air Force Reserve, 9,909.

12 (4) For the Air National Guard of the United
13 States, 22,553.

14 **SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF**
15 **NON-DUAL STATUS TECHNICIANS.**

16 (a) LIMITATIONS.—

17 (1) NATIONAL GUARD.—Within the limitation
18 provided in section 10217(c)(2) of title 10, United
19 States Code, the number of non-dual status techni-
20 cians employed by the National Guard as of Sep-
21 tember 30, 2008, may not exceed the following:

22 (A) For the Army National Guard of the
23 United States, 1,600.

24 (B) For the Air National Guard of the
25 United States, 350.

1 (2) ARMY RESERVE.—The number of non-dual
2 status technicians employed by the Army Reserve as
3 of September 30, 2008, may not exceed 595.

4 (3) AIR FORCE RESERVE.—The number of non-
5 dual status technicians employed by the Air Force
6 Reserve as of September 30, 2008, may not exceed
7 90.

8 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
9 this section, the term “non-dual status technician” has the
10 meaning given that term in section 10217(a) of title 10,
11 United States Code.

12 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
13 **THORIZED TO BE ON ACTIVE DUTY FOR**
14 **OPERATIONAL SUPPORT.**

15 During fiscal year 2008, the maximum number of
16 members of the reserve components of the Armed Forces
17 who may be serving at any time on full-time operational
18 support duty under section 115(b) of title 10, United
19 States Code, is the following:

20 (1) The Army National Guard of the United
21 States, 17,000.

22 (2) The Army Reserve, 13,000.

23 (3) The Navy Reserve, 6,200.

24 (4) The Marine Corps Reserve, 3,000.

1 (5) The Air National Guard of the United
2 States, 16,000.

3 (6) The Air Force Reserve, 14,000.

4 **Subtitle C—Authorization of**
5 **Appropriations**

6 **SEC. 421. MILITARY PERSONNEL.**

7 This section would authorize \$105,403,698,000 to be
8 appropriated for military personnel.

9 **SEC. 422. ARMED FORCES RETIREMENT HOME.**

10 There is hereby authorized to be appropriated for fis-
11 cal year 2008 for the Armed Forces Retirement Home the
12 sum of \$61,624,000 for the operation of the Armed Forces
13 Retirement Home, including the United States Soldiers'
14 and Airmens' Home and the Naval Home.

15 **TITLE V—MILITARY PERSONNEL**
16 **POLICY**

17 **Subtitle A—Officer Personnel**
18 **Policy**

19 **SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR**
20 **ARMY OFFICERS ON ACTIVE DUTY IN THE**
21 **GRADE OF MAJOR TO MEET NEW FORCE**
22 **STRUCTURE REQUIREMENTS.**

23 The table in section 523(a)(l) of title 10, United
24 States Code, is amended by striking the figures under the

1 heading “Major” in the portion of the table relating to
 2 the Army and inserting the following:

“7,768
 8,689
 9,611
 10,532
 11,454
 12,375
 13,297
 14,218
 15,140
 16,061
 16,983
 17,903
 18,825
 19,746
 20,668
 21,589
 22,511
 24,354
 26,197
 28,040
 35,412”.

3 **SEC. 502. INCREASE IN AUTHORIZED STRENGTHS FOR**
 4 **NAVY OFFICERS ON ACTIVE DUTY IN THE**
 5 **GRADES OF LIEUTENANT COMMANDER, COM-**
 6 **MANDER, AND CAPTAIN TO MEET NEW FORCE**
 7 **STRUCTURE REQUIREMENTS.**

8 The table in section 523(a)(2) of title 10, United
 9 States Code, is amended by striking the figures under the
 10 headings “Lieutenant Commander,” “Commander,” and
 11 “Captain” and inserting the following:

“7,698	5,269	2,222
8,189	5,501	2,334
8,680	5,733	2,447
9,172	5,965	2,559
9,663	6,197	2,671
10,155	6,429	2,784
10,646	6,660	2,896
11,136	6,889	3,007
11,628	7,121	3,120

12,118	7,352	3,232
12,609	7,583	3,344
13,100	7,813	3,457
13,591	8,044	3,568
14,245	8,352	3,718
17,517	9,890	4,467”.

1 **SEC. 503. ENHANCED AUTHORITY FOR RESERVE GENERAL**
2 **AND FLAG OFFICERS TO SERVE ON ACTIVE**
3 **DUTY.**

4 Section 526(d) of title 10, United States Code, is
5 amended to read as follows:

6 “(d) EXCLUSION OF CERTAIN OFFICERS.—(1) The
7 limitations of this section do not apply to a reserve compo-
8 nent general or flag officer who is—

9 “(A) on active duty for training; or

10 “(B) on active duty under a call or order speci-
11 fying a period of less than 180 days.

12 “(2) Notwithstanding the limitation in paragraph
13 (1)(B), the Secretary concerned may authorize not more
14 than ten percent of the number of officers authorized
15 under section 12004 of this title to serve for a period not
16 to exceed 365 days. In determining the maximum number
17 of officers that may serve on active duty at any one time
18 under this paragraph, any fraction shall be rounded down
19 to the next whole number, and at least one officer per
20 service will be authorized under this section.”.

1 **SEC. 504. REENLISTMENT OF OFFICERS IN THEIR FORMER**
2 **ENLISTED GRADE.**

3 (a) **REGULAR ARMY.**—Section 3258 of title 10,
4 United States Code, is amended—

5 (1) in subsection (a)—

6 (A) by striking “a Reserve” and inserting
7 “an”; and

8 (B) by striking “a temporary” and insert-
9 ing “an”; and

10 (2) in subsection (b)—

11 (A) in paragraph (1), by striking “a Re-
12 serve” and inserting “an”; and

13 (B) in paragraph (2), by striking “Re-
14 serve”.

15 (b) **REGULAR AIR FORCE.**—Section 8258 of such
16 title is amended—

17 (1) in subsection (a)—

18 (A) by striking “a reserve” and inserting
19 “an”; and

20 (B) by striking “a temporary” and insert-
21 ing “an”; and

22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking “a Re-
24 serve” and inserting “an”; and

25 (B) in paragraph (2), by striking “Re-
26 serve”.

1 **SEC. 505. DISCHARGE OF PROBATIONARY OFFICERS AND**
2 **FORCE SHAPING AUTHORITY.**

3 (a) ACTIVE-DUTY LIST OFFICERS: YEARS OF ACTIVE
4 COMMISSIONED SERVICE.—Section 630(1)(A) of title 10,
5 United States Code, is amended by striking “five” and
6 inserting “six”.

7 (b) OFFICER FORCE SHAPING AUTHORITY.—Section
8 647(b)(1) of such title is amended by striking “5” both
9 places it appears and inserting “6”.

10 (c) RESERVE OFFICERS: YEARS OF ACTIVE COMMIS-
11 SIONED SERVICE.—Section 14503(a)(1) of such title is
12 amended by striking “five” and inserting “six”.

13 **SEC. 506. ADDITION OF ALL NAVY PERMANENT MILITARY**
14 **PROFESSORS TO THE LIST OF EXEMPTIONS**
15 **TO DOPMA AUTHORIZED GRADE LIMITA-**
16 **TIONS.**

17 Section 523(b)(8) of title 10, United States Code, is
18 amended by inserting before the period at the end the fol-
19 lowing: “, and career military professors (as defined in
20 regulations prescribed by the Secretary of the Navy) of
21 the Naval War College, the Naval Postgraduate School,
22 and any other graduate-level institution established to pro-
23 vide advanced education to members of the Navy and Ma-
24 rine Corps, but not to exceed 35 in addition to those serv-
25 ing at the Naval Academy”.

1 **SEC. 507. MANDATORY SEPARATION OF RESERVE OFFI-**
2 **CERS IN THE GRADE OF LIEUTENANT GEN-**
3 **ERAL OR VICE ADMIRAL.**

4 Section 14508 of title 10, United States Code, is
5 amended—

6 (1) by redesignating subsections (c), (d) and (e)
7 as subsections (d), (e) and (f), respectively; and

8 (2) by inserting after subsection (b) the fol-
9 lowing new subsection (c):

10 “(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEU-
11 TENANT GENERALS AND VICE ADMIRALS.—Unless re-
12 tired, transferred to the Retired Reserve, or discharged
13 at an earlier date, each reserve officer of the Army, Air
14 Force, or Marine Corps in the grade of lieutenant general
15 and each reserve officer of the Navy in the grade of vice
16 admiral shall, 30 days after completion of 38 years of com-
17 missioned service, be separated in accordance with section
18 14514 of this title.”.

19 **SEC. 508. TEMPORARY SUSPENSION OF ELIGIBILITY FOR**
20 **EDUCATION BENEFIT.**

21 Section 16165(b) of title 10, United States Code, is
22 amended to read as follows:

23 “(b) EXCEPTION.—Under regulations prescribed by
24 the Secretary of Defense, a member of the Selected Re-
25 serve of the Ready Reserve who incurs a break in Selected
26 Reserve service, but remains in the Individual Ready Re-

1 serve or Inactive National Guard during such break, may
2 continue to receive educational assistance under this chap-
3 ter for up to 90 days during such break. However, eligi-
4 bility for educational assistance shall be suspended after
5 the 90th day of such break until the member returns to
6 service in the Selected Reserve.”.

7 **SEC. 509. INCREASED TENURE FOR GENERAL AND FLAG**
8 **OFFICERS.**

9 (a) IN GENERAL.—Sections 636 of title 10, United
10 States Code, is amended—

11 (1) by striking subsections (b) and (c); and

12 (2) by inserting after subsection (a) the fol-
13 lowing new subsection (b):

14 “(b) EXCEPTION.—Officers serving above the grade
15 of major general or rear admiral may continue to serve
16 without regard to years of service.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) Subsection (a) of such section is amended
19 by striking “or (c)”.

20 (2) Section 637(b) of such title is amended by
21 striking the last sentence in paragraph (2).

22 (3) Section 14508 of such title is amended—

23 (A) by redesignating subsections (c), (d),
24 and (e) as subsections (d), (e), and (f), respec-
25 tively; and

1 (B) by inserting after subsection (b) the
 2 following new subsection (c):

3 “(c) OFFICERS SERVING ABOVE THE GRADE OF
 4 MAJOR GENERAL OR REAR ADMIRAL.—Officers serving
 5 above the grade of major general or rear admiral may con-
 6 tinue to serve without regard to years of service.”.

7 **SEC. 510. AMENDMENT OF YEARS OF SERVICE PROVISION**
 8 **TO CONFORM WITH EXTENDED MANDATORY**
 9 **RETIREMENT AGE FOR ACTIVE-DUTY GEN-**
 10 **ERAL AND FLAG OFFICERS.**

11 Section 637(b)(3) of title 10, United States Code, is
 12 amended by striking “but such period may not (except as
 13 provided under section 1251(b) of this title) extend beyond
 14 the date of the officer’s sixty-second birthday” and insert-
 15 ing “except as provided under section 1253 of this title”.

16 **Subtitle B—Reserve Component**
 17 **Matters**

18 **SEC. 521. DUTY OF REGULAR MEMBERS OF THE ARMY AND**
 19 **AIR FORCE WITH THE NATIONAL GUARD.**

20 Section 315 of title 32, United States Code, is
 21 amended by adding at the end the following new sub-
 22 section:

23 “(c) A commissioned officer or enlisted member of
 24 the Regular Army or Regular Air Force detailed, without
 25 vacating his or her regular appointment, to duty with the

1 Army National Guard or the Air National Guard of a
2 State, the Commonwealth of Puerto Rico, Guam, the Vir-
3 gin Islands, or the District of Columbia, may perform any
4 duty authorized to be performed by the laws of the appli-
5 cable State, the Commonwealth of Puerto Rico, Guam, the
6 Virgin Islands, or the District of Columbia, as appro-
7 priate, without regard to the limitations imposed by sec-
8 tion 1385 of title 18.”.

9 **SEC. 522. ENFORCEMENT OF VOLUNTARY SERVICE AGREE-**
10 **MENTS.**

11 Section 12301(d) of title 10, United States Code, is
12 amended by adding at the end the following new sentence:
13 “When a member has entered into a written service agree-
14 ment (other than an agreement under section 12311 of
15 this title) with the Secretary concerned specifying a period
16 or periods of active duty to be performed for a particular
17 mission or requirement, and in the case of a member of
18 the Army National Guard of the United States or the Air
19 National Guard of the United States with the consent of
20 the Governor or other appropriate authority of the State
21 concerned, the member may not withdraw his consent, un-
22 less agreed to by the Secretary, and the Secretary may
23 order the member to active duty in accordance with the
24 terms of the service agreement.”.

1 **SEC. 523. BENEFITS FOR CERTAIN NATIONAL GUARD DUTY.**

2 Section 12602 of title 10, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) by striking “and” at the end of para-
6 graph (2);

7 (B) by striking the period at the end of
8 paragraph (3) and inserting “; and”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(4) duty performed by a member of the Army
12 National Guard of the United States in his status as
13 a member of the Army National Guard under sec-
14 tion 502(f) of title 32 at the request of the President
15 or the Secretary of Defense shall be considered ac-
16 tive duty in Federal service as a Reserve of the
17 Army for the purposes of providing benefits that are
18 provided to Reserve component members performing
19 duty pursuant to an order to active duty under a
20 provision of law referred to in section 101(a)(13)(B)
21 of this title.”; and

22 (2) in subsection (b)—

23 (A) by striking “and” at the end of para-
24 graph (2);

25 (B) by striking the period at the end of
26 paragraph (3) and inserting “; and”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(4) duty performed by a member of the Air
4 National Guard of the United States in his status as
5 a member of the Air National Guard under section
6 502(f) of title 32 at the request of the President or
7 the Secretary of Defense shall be considered active
8 duty in Federal service as a Reserve of the Air
9 Force for the purposes of providing benefits that are
10 provided to Reserve component members performing
11 duty pursuant to an order to active duty under a
12 provision of law referred to in section 101(a)(13)(B)
13 of this title.”.

14 **SEC. 524. CONTINUED SERVICE WITHIN TWO YEARS OF RE-**
15 **TIREMENT ELIGIBILITY.**

16 Section 12686(b) of title 10, United States Code, is
17 amended to read as follows:

18 “(b) WAIVER.—With respect to a member of a re-
19 serve component who is to be ordered to active duty (other
20 than for training) under section 12301 of this title pursu-
21 ant to an order to active duty for a single period or mul-
22 tiple periods and who (but for this subsection) would be
23 covered by subsection (a), the Secretary concerned may
24 require, as a condition of such order or multiple orders
25 to active duty, that the member waive the applicability of

1 subsection (a) to the member for the period or periods
2 of active duty covered by that order and may include sub-
3 sequent orders. In carrying out this subsection, the Sec-
4 retary concerned may require that a waiver under the pre-
5 ceding sentence be executed before the period of active
6 duty begins. At anytime before commencing a period of
7 active duty covered by such a waiver, the member may
8 withdraw consent to waive the applicability of subsection
9 (a).”.

10 **SEC. 525. INCREASE IN THE PERIOD OF TEMPORARY FED-**
11 **ERAL RECOGNITION FROM SIX TO TWELVE**
12 **MONTHS.**

13 Section 308(a) of title 32, United States Code, is
14 amended by striking “six months” and inserting “twelve
15 months”.

16 **SEC. 526. NUCLEAR OFFICER INCENTIVE PAY: CONTINU-**
17 **ATION PAY ELIGIBILITY.**

18 Section 312 of title 37, United States Code, is
19 amended—

20 (1) in subsection (a)(3), by striking “26” and
21 inserting “30”; and

22 (2) in subsection (e)(1), by striking “26” and
23 inserting “30”.

1 **Subtitle C—Education and**
2 **Training**

3 **SEC. 531. ISSUE OF SERVICEABLE MATERIAL OTHER THAN**
4 **TO ARMED FORCES.**

5 (a) IN GENERAL.—Part IV of subtitle C of title 10,
6 United States Code, is amended by adding at the end the
7 following new chapter:

8 **“CHAPTER 667—ISSUE OF SERVICEABLE**
9 **MATERIAL OTHER THAN TO ARMED**
10 **FORCES**

“Sec.

“7911. Arms, tentage, and equipment: educational institutions not maintaining units of ROTC.

“7912. Rifles and ammunition for target practice: educational institutions having corps of cadets.

“7913. Supplies; military instruction camps.

11 **“§ 7911. Arms, tentage, and equipment: educational**
12 **institutions not maintaining units of**
13 **ROTC**

14 “Under such conditions as he may prescribe, the Sec-
15 retary of the Navy may issue arms, tentage, and equip-
16 ment that he considers necessary for proper military train-
17 ing, to any educational institution at which no unit of the
18 Reserve Officers’ Training Corps is maintained, but which
19 has a course in military training prescribed by the Sec-
20 retary and which has at least 50 physically fit students
21 over 14 years of age.

1 **“§ 7912. Rifles and ammunition for target practice:**
2 **educational institutions having corps of**
3 **cadets**

4 “(a) AUTHORITY TO LEND.—The Secretary of the
5 Navy may lend, without expense to the United States,
6 magazine rifles and appendages, that are not of the exist-
7 ing service models in use at the time and that are not
8 necessary for a proper reserve supply, to any educational
9 institution having a uniformed corps of cadets of sufficient
10 number for target practice. He also may issue 40 rounds
11 of ball cartridges for each cadet for each range at which
12 target practice is held, but not more than 120 rounds each
13 year for each cadet participating in target practice.

14 “(b) RESPONSIBILITIES OF INSTITUTIONS.—The in-
15 stitutions to which property is lent under subsection (a)
16 shall—

17 “(1) use the property for target practice;

18 “(2) take proper care of the property; and

19 “(3) return the property when required.

20 “(c) REGULATIONS.—The Secretary shall prescribe
21 regulations to carry out this section, containing such other
22 requirements as he considers necessary to safeguard the
23 interests of the United States.

24 **“§ 7913. Supplies: military instruction camps**

25 “Under such conditions as he may prescribe, the Sec-
26 retary of the Navy may issue, to any educational institu-

1 tion at which an officer of the naval service is detailed
 2 as professor of naval science, such supplies as are nec-
 3 essary to establish and maintain a camp for the military
 4 instruction of its students. The Secretary shall require a
 5 bond in the value of the property issued under this section,
 6 for the care and safekeeping of that property and, except
 7 for property properly expended, for its return when re-
 8 quired.”

9 (b) CLERICAL AMENDMENT.—The table of chapters
 10 for part IV of such title is amended by adding at the end
 11 the following new item:

“667. Issue of Serviceable Material Other Than to Armed Forces 7910.”.

12 **SEC. 532. AUTHORITY FOR PERMANENT PROFESSORS AT**
 13 **THE SERVICE MILITARY ACADEMIES OR MILI-**
 14 **TARY GRADUATE SCHOOLS TO SIT AS MEM-**
 15 **BERS OF PROMOTION BOARDS.**

16 Section 612(a)(1) of title 10, United States Code is
 17 amended by inserting after “active-duty list” the fol-
 18 lowing: “or a permanent professor at the United States
 19 Military Academy or the United States Air Force Acad-
 20 emy or the United States Naval Academy (as defined in
 21 regulations prescribed by the Secretary of the Navy), or
 22 career military professors from any graduate-level institu-
 23 tion established to provide advanced education to members
 24 of the Army, Navy , Marine Corps or Air Force”.

1 **SEC. 533. CAREER MILITARY PROFESSORS OF THE NAVY:**
2 **PROMOTIONS.**

3 (a) PERMANENT PROFESSORS: UNITED STATES
4 NAVY.—Section 641(2) of title 10, United States Code,
5 is amended to read as follows:

6 “(2) The director of admissions, dean, and per-
7 manent professors at the United States Military
8 Academy, the registrar, dean, and permanent profes-
9 sors at the United States Air Force Academy, per-
10 manent professors (as defined in regulations pre-
11 scribed by the Secretary of the Navy) at the United
12 States Naval Academy, and career military profes-
13 sors (as defined in regulations prescribed by the Sec-
14 retary of the Navy) of the Naval War College, the
15 Naval Postgraduate School, and any other graduate-
16 level institution established to provide advanced edu-
17 cation to members of the Navy and Marine Corps.”.

18 (b) PROMOTIONS.—(1) Chapter 603 of such title is
19 amended by inserting after section 6970 the following new
20 section:

21 **“§ 6970a. Permanent professors: promotion**

22 “An officer serving as a permanent professor at the
23 Naval Academy (as defined in regulations prescribed by
24 the Secretary of the Navy) or career military professors
25 (as defined in regulations prescribed by the Secretary of
26 the Navy) of the Naval War College, the Naval Post-

1 graduate School, and any other graduate-level institution
 2 established to provide advanced education to members of
 3 the Navy and Marine Corps in the grade of commander
 4 or lieutenant colonel may be recommended for promotion
 5 to the grade of captain or colonel under regulations pre-
 6 scribed by the Secretary of the Navy, such promotion to
 7 be effective no earlier than six years after selection as a
 8 permanent professor or career military professor. An offi-
 9 cer so recommended shall be promoted by appointment to
 10 the higher grade by the President, by and with the advice
 11 and consent of the Senate.”.

12 (2) The table of sections at the beginning of such
 13 chapter is amended by inserting after the item relating
 14 to section 6970 the following new item:

“6970a. Permanent professors: promotion.”.

15 **Subtitle D—General Service**
 16 **Authorities**

17 **SEC. 541. SHORTEN EIGHT YEAR MANDATORY SERVICE OB-**
 18 **LIGATION FOR QUALIFIED HEALTH PROFES-**
 19 **SIONALS IN CRITICAL SPECIALTIES.**

20 Section 651 of title 10, United States Code, is
 21 amended by adding at the end the following new sub-
 22 section:

23 “(c) The Secretary of Defense may waive the required
 24 service provisions of subsection (a) for initial appoint-
 25 ments of commissioned officers in critically short health

1 professional specialties, as determined by the Secretary of
2 Defense. However, no such waiver shall reduce the period
3 of obligated service to a period of less than two years, and
4 no waiver can reduce the period of obligated service below
5 the period for which an individual accepted an accession
6 bonus or Multiyear Special Pay contract.”.

7 **SEC. 542. REINSTATEMENT OF ENHANCED AUTHORITY FOR**
8 **SELECTIVE EARLY RETIREMENT.**

9 (a) ENHANCED AUTHORITY FOR SELECTIVE EARLY
10 RETIREMENT.—Section 638a of title 10, United States
11 Code, is amended—

12 (1) in subsection (a)—

13 (A) by striking “October 1, 1990” and in-
14 serting “October 1, 2007”; and

15 (B) by striking “December 31, 2001” and
16 inserting “December 31, 2012”; and

17 (2) in subsection (c)(1), by inserting before the
18 period at the end of the second sentence the fol-
19 lowing: “; provided, however, that from October 1,
20 2007 through December 31, 2012, such number
21 may be more than 30 percent of the number of offi-
22 cers considered in each competitive category, but
23 may not be more than 30 percent of the number of
24 officers considered in each grade”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to agreements en-
3 tered into under section 1175a of title 10, United States
4 Code, on or after the date of the enactment of this Act.

5 **Subtitle E—Military Justice**
6 **Matters**

7 **SEC. 551. PERMIT SECRETARY TO DESIGNATE PERSONS EL-**
8 **IGIBLE FOR LEGAL ASSISTANCE.**

9 Section 1044(a) of title 10, United States Code, is
10 amended by adding at the end the following new para-
11 graph:

12 “(6) Other persons designated in regulations
13 prescribed by the Secretary concerned.”.

14 **Subtitle F—Other Matters**

15 **SEC. 571. ELIMINATION OF ANNUAL LIMIT ON NUMBER OF**
16 **ROTC SCHOLARSHIPS UNDER ARMY RESERVE**
17 **AND NATIONAL GUARD PROGRAM.**

18 Subsection (h) of section 2107a of title 10, United
19 States Code, is amended by striking “not more than 416
20 cadets each year under this section, to include” and insert-
21 ing “each year under this section”.

1 **SEC. 572. CREATION OF UNIFORM MILITARY BAND PER-**
2 **FORMANCE AUTHORITY; CLARIFICATION OF**
3 **CIRCUMSTANCES THAT CREATE COMPETI-**
4 **TION WITH LOCAL CIVILIAN MUSICIANS.**

5 (a) IN GENERAL.—Chapter 49 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 988. Uniform military band performance authority**

9 “(a) DEPARTMENT OF DEFENSE BANDS.—Depart-
10 ment of Defense bands, ensembles, choruses, or similar
11 musical units, including individual members thereof per-
12 forming in an official capacity, shall not perform music
13 in competition with local civilian musicians or receive re-
14 munerations for official performances.

15 “(b) DEFINITION.—As used in this section, the term
16 ‘perform music in competition with local civilian musi-
17 cians’—

18 “(1) includes, but is not limited to, perform-
19 ances—

20 “(A) that are more than incidental to
21 events that are not supported solely by appro-
22 priated funds and are not free to the public;
23 and

24 “(B) of background, dinner, dance, or
25 other social music at events, regardless of loca-

1 tion, that are not supported solely by appro-
2 priated funds; but

3 “(2) does not include performances—

4 “(A) at official Federal Government events
5 that are supported solely by appropriated funds;

6 “(B) at concerts, parades, and other events
7 that are patriotic events or celebrations of na-
8 tional holidays and are free to the public; or

9 “(C) that are incidental, including short
10 performances of military or patriotic music to
11 open or close events, to events that are not sup-
12 ported solely by appropriated funds, in compli-
13 ance with applicable rules and regulations.

14 “(c) MEMBERS OF DEPARTMENT OF DEFENSE
15 BANDS.—Members of Department of Defense bands, en-
16 sembles, choruses, or similar musical units may perform
17 music in their personal capacity, as individuals or part of
18 a group, for remuneration or otherwise, when not wearing
19 a military uniform, not identifying themselves as members
20 of the Department of Defense, and in compliance with all
21 applicable regulations and standards of conduct.

22 “(d) RECORDINGS.—Department of Defense bands,
23 ensembles, choruses, or similar musical units, when au-
24 thorized pursuant to Department of Defense regulation,
25 may produce recordings for distribution to the public at

1 a cost not to exceed production and distribution expenses,
2 and payments from such recordings shall be credited back
3 to the appropriation enabling such expenses.”.

4 (b) CLERICAL AND CONFORMING AMENDMENTS.—

5 (1) The table of sections at the beginning of such chapter
6 is amended by adding at the end the following new item:

“988. Uniform military band performance authority.”.

7 (2) Sections 3634, 6223, and 8634 of such title are
8 repealed.

9 **SEC. 573. RECOVERY OF MISSING MILITARY PROPERTY BY**
10 **THE NAVY AND MARINE CORPS.**

11 (a) IN GENERAL.—Chapter 661 of title 10, United
12 States Code, is amended by adding at the end the fol-
13 lowing new sections:

14 **“§ 7864. Property accountability: regulations**

15 “The Secretary of the Navy may prescribe regula-
16 tions for the accounting for Navy and Marine Corps prop-
17 erty and the fixing of responsibility for that property.

18 **“§ 7865. Individual equipment: unauthorized disposi-**
19 **tion**

20 “(a) PROHIBITION.—No member of the Navy or the
21 Marine Corps may sell, lend, pledge, barter, or give any
22 clothing, arms, or equipment furnished him by the United
23 States to any person other than a member of the Navy
24 or the Marine Corps, or an officer of the United States,
25 authorized to receive it.

1 “(b) SEIZURE OF PROPERTY.—If a member of the
2 Navy or the Marine Corps has disposed of property in vio-
3 lation of subsection (a) and it is in the possession of a
4 person who is neither a member of the Navy or the Marine
5 Corps, nor an officer of the United States, authorized to
6 receive it, that person has no right to or interest in the
7 property, and any civil or military officer of the United
8 States may seize it, wherever found. Possession of such
9 property furnished by the United States to a member of
10 the Navy or the Marine Corps, by a person who is neither
11 a member of the Navy or the Marine Corps, nor an officer
12 of the United States, is prima facie evidence that it has
13 been disposed of in violation of subsection (a).

14 “(c) RETENTION OF SEIZED PROPERTY.—If an offi-
15 cer who seizes property under subsection (b) is not author-
16 ized to retain it for the United States, he shall deliver it
17 to a person who is authorized to retain it.”.

18 (b) CLERICAL AMENDMENTS.—The table of sections
19 at the beginning of such chapter is amended by adding
20 at the end the following new items:

“7864. Property accountability; regulations.

“7865. Individual equipment; unauthorized disposition.”.

21 **SEC. 574. FLEXIBLE MANAGEMENT OF DEPLOYMENTS OF**
22 **MEMBERS.**

23 (a) IN GENERAL.—Section 991 of title 10, United
24 States Code, is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) MANAGEMENT RESPONSIBILITIES.—(1) The
4 Secretary concerned shall prescribe regulations to manage
5 the deployment of a member of the armed forces in his
6 military department to ensure that the member is not de-
7 ployed, or continued in a deployment, beyond prescribed
8 high-deployment thresholds for the consecutive days for
9 which the member may be deployed and the total number
10 of days on which the member has been deployed out of
11 the preceding 730 days. The regulations shall—

12 “(A) specify the high-deployment thresholds;

13 “(B) establish procedures to ensure that mem-
14 bers are aware of their deployment days; and

15 “(C) specify the approval process which must
16 take place before a member may be deployed, or con-
17 tinued in a deployment, beyond the high-deployment
18 thresholds.

19 “(2) The Secretary of Defense shall approve—

20 “(A) the high-deployment thresholds for the
21 military departments; and

22 “(B) the procedures for the payment of hard-
23 ship duty pay under section 305 of title 37 for those
24 members of the armed forces who experience hard-

1 ship duty by being deployed in excess of approved
2 high-deployment thresholds.”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) by striking “a training exercise or”
6 and inserting “an”; and

7 (ii) by inserting “as designated by the
8 Secretary concerned” after “cir-
9 cumstances”;

10 (B) in paragraph (3)—

11 (i) by striking “or” at the end of sub-
12 paragraph (B);

13 (ii) by striking the period at the end
14 of subparagraph (C) and inserting a semi-
15 colon; and

16 (iii) by adding at the end the fol-
17 lowing new subparagraphs:

18 “(D) performing non-operational tem-
19 porary duty including conferences and semi-
20 nars; or

21 “(E) participating in training or exercises
22 as designated by the Secretary concerned.”; and

23 (C) in paragraph (4)—

24 (i) in the first sentence—

1 (I) by striking “The Secretary of
2 Defense” and inserting “The Sec-
3 retary concerned”; and

4 (II) by inserting “with the ap-
5 proval of the Secretary of Defense”
6 after “(2)”; and

7 (ii) by striking the second sentence;

8 (3) by striking subsection (d); and

9 (4) by redesignating subsection (e) as sub-
10 section (d).

11 (b) REPEAL OF HIGH-DEPLOYMENT ALLOWANCE
12 AND STRENGTHENING OF HARDSHIP DUTY PAY.—

13 (1) Section 436 of title 37, United States Code,
14 is repealed.

15 (2) The text of section 305 of such title is
16 amended to read as follows:

17 “(a) AUTHORITY.—A member of a uniformed service
18 who is entitled to basic pay may be paid special pay under
19 this section while the member is performing duty in the
20 United States or outside the United States that is des-
21 ignated by the Secretary of Defense as hardship duty.
22 Special pay payable under this section may be paid on a
23 monthly basis or in a lump sum.

24 “(b) WRITTEN AGREEMENT.—The Secretary con-
25 cerned shall require a member performing service in an

1 assignment designated under subsection (a) to enter into
2 a written agreement with the Secretary in order to qualify
3 for the payment of special pay on a lump sum basis under
4 this section. The written agreement shall specify the pe-
5 riod for which the special pay will be paid to the member
6 and, subject to subsection (c), the amount of the lump
7 sum of the special pay.

8 “(c) MAXIMUM RATE OR AMOUNT.—(1) The max-
9 imum monthly rate of special pay payable to a member
10 on a monthly basis under this section is \$1,500.

11 “(2) The amount of the lump sum payment of special
12 pay payable to a member on a lump sum basis under this
13 section may not exceed an amount equal to the product
14 of—

15 “(A) the maximum monthly rate authorized
16 under paragraph (1) at the time of the written
17 agreement of the member under subsection (b); and

18 “(B) the number of months in the period for
19 which hardship duty pay will be paid pursuant to
20 the agreement.

21 “(3) If a member extends an assignment specified in
22 an agreement with the Secretary under subsection (b),
23 special pay for the period of the extension may be paid
24 under this section on a monthly basis or in a lump sum
25 in accordance with this section.

1 ber of the Individual Ready Reserve may be paid a stipend
2 for participation in the screening performed pursuant to
3 section 10149 of title 10, in lieu of muster duty performed
4 under section 12319 of title 10, when such participation
5 is conducted through electronic means.

6 “(b) MAXIMUM PAYMENT.—The amount of the sti-
7 pend under this section shall not exceed \$50 in any cal-
8 endar year.

9 “(c) BAR TO RETIREMENT CREDIT.—Participation
10 in the screening under this section shall not be credited
11 in determining entitlement to, or in computing, retired pay
12 under chapter 1223 of title 10.

13 “(d) PAYMENT REQUIREMENTS.—(1) The stipend
14 authorized by this section may not be disbursed in kind.

15 “(2) The stipend may be paid to the member on or
16 after the date the screening is performed, but not later
17 than 30 days after that date.

18 “(3) The stipend shall constitute the single, flat-rate
19 monetary allowance authorized for the performance of the
20 screening and shall constitute payment in full to the mem-
21 ber, regardless of the grade or rank in which the member
22 is serving.

23 “(e) BAR TO INACTIVE DUTY COMPENSATION.—A
24 member who participates in screening conducted through
25 electronic means pursuant to this section is not entitled

1 to compensation for inactive-duty training under section
2 206(a) of this title for the same period.”.

3 (b) CONFORMING AND CLERICAL AMENDMENTS.—

4 (1) CONFORMING AMENDMENTS.—

5 (A) BAR TO DUAL COMPENSATION.—Sec-
6 tion 206 of such title is amended by adding at
7 the end the following new subsection:

8 “(f) A member of the National Guard or a member
9 of a reserve component of a uniformed service is not enti-
10 tled to compensation under this section when the member
11 received compensation under section 433a of this title.”.

12 (B) BAR TO RETIREMENT CREDIT.—Sec-
13 tion 12732(b) of title 10, United States Code,
14 is amended by adding at the end the following
15 new paragraph:

16 “(8) Service performed through electronic
17 screening, regardless of compensation received under
18 section 433a of title 37.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 7 of title 37,
21 United States Code, is amended by inserting after
22 the item relating to section 433 the following new
23 item:

“433a. Allowance for participation in Ready Reserve screening.”.

1 **SEC. 602. JROTC INSTRUCTOR STIPENDS FOR HARD-TO-**
2 **FILL AREAS.**

3 Section 2031(d) of title 10, United States Code, is
4 amended—

5 (1) by redesignating paragraph (2) as para-
6 graph (3); and

7 (2) by inserting after paragraph (1) the fol-
8 lowing new paragraph (2):

9 “(2)(A) When determined by the Secretary con-
10 cerned to be in the national interest, and agreed
11 upon by the institution concerned, an institution
12 may reimburse the moving expenses of a Junior Re-
13 serve Officer’s Training Corps instructor who signs
14 a written agreement to serve a minimum commit-
15 ment of two years of employment at that institution
16 in a hard-to-fill position, due to geographic or eco-
17 nomic factors and as determined by the Secretary
18 concerned. This payment is separate from the min-
19 imum instructor pay.

20 “(B) In the case of payment of such additional
21 amounts by the institution concerned to cover the
22 moving expenses, the Secretary concerned shall re-
23 imburse the institution in an amount equal to the
24 amount paid by the institution. Such payments by
25 the Secretary shall be made from funds appropriated
26 for that purpose.

1 “(C) Amounts paid under this paragraph shall
2 be subject to regulations promulgated by the Sec-
3 retary of Defense.”.

4 **SEC. 603. INCOME REPLACEMENT PAYMENTS FOR RE-**
5 **SERVES EXPERIENCING EXTENDED AND FRE-**
6 **QUENT MOBILIZATION FOR ACTIVE DUTY**
7 **SERVICE.**

8 Section 910 of title 37, United States Code, is
9 amended—

10 (1) in subsection (a), by inserting “, when the
11 total monthly military compensation of the member
12 is less than the average monthly civilian income”
13 after “by the Secretary”;

14 (2) by amending subsection (b) to read as fol-
15 lows:

16 “(b) **ELIGIBILITY.**—Subject to subsection (c), a re-
17 serve component member is entitled to a payment under
18 this section for any full month of active duty of the mem-
19 ber—

20 “(1) while on active duty under an involuntary
21 mobilization order, following the date on which the
22 member—

23 “(A) completes 18 continuous months of
24 service on active duty under such an order;

1 “(B) completes 730 cumulative days on ac-
2 tive duty under an involuntary mobilization
3 order during the previous 1,826 days; or

4 “(C) is involuntarily mobilized for service
5 on active duty for a period of 180 days or more
6 within 180 days following the member’s separa-
7 tion from a previous period of active duty for
8 period of 180 days or more; or

9 “(2) when the member who qualified for income
10 replacement payments under paragraph (1) is re-
11 tained on active duty under section 12301(h)(1)(A)
12 or (B) of title 10 because of an injury or illness in-
13 curred or aggravated while deployed to an area des-
14 ignated for special pay under section 310 of this
15 title. Once the member is released from active duty,
16 entitlement to pay under this section terminates.”;
17 and

18 (3) by amending subsection (g) to read as fol-
19 lows:

20 “(g) TERMINATION OF AUTHORITY.—Payment under
21 this section shall only be made for service performed on
22 or before December 31, 2008.”.

1 **SEC. 604. REVISIONS TO TUITION ASSISTANCE AUTHORITY.**

2 (a) REVISION TO AUTHORITY TO REDUCE OR WAIVE
3 ACTIVE DUTY SERVICE OBLIGATION.—Section 2007(b) of
4 title 10, United States Code, is amended—

5 (1) in paragraph (1)—

6 (A) by inserting “(other than a member of
7 the Ready Reserve)” after “active duty” the
8 first place it appears; and

9 (B) by striking “or full-time National
10 Guard duty” both places it appears; and

11 (2) in paragraph (2)(B), by inserting “for
12 which ordered to active duty” after “active duty
13 service”.

14 (b) AUTHORITY TO PAY TUITION ASSISTANCE TO
15 MEMBERS OF THE READY RESERVE.—Subsection (c) of
16 such section is amended to read as follows:

17 “(c)(1) As provided in subsection (a) and subject to
18 paragraphs (2) and (3), the Secretary of a military depart-
19 ment may pay the charges of an educational institution
20 for the tuition or expenses of a member of the Ready Re-
21 serve. For members of the Individual Ready Reserve, the
22 Secretary of a military department will selectively deter-
23 mine if any military operational specialties qualify for this
24 benefit.

25 “(2) The Secretary may not pay charges under para-
26 graph (1) for tuition or expenses of an officer of the Se-

1 lected Reserve of the Ready Reserve unless the officer
2 agrees to remain a member of the Selected Reserve for
3 at least four years after completion of the education or
4 training for which the charges are paid.

5 “(3) The Secretary may not pay charges under para-
6 graph (1) for tuition or expenses of an officer of the Ready
7 Reserve who is not an officer of the Selected Reserve un-
8 less the officer agrees to remain in the Ready Reserve for
9 at least four years after completion of the education or
10 training for which the charges are paid. For the Individual
11 Ready Reserve, the Secretary of a military department will
12 selectively determine if any military operational specialties
13 qualify for this benefit.

14 “(4) The Secretary may require a service obligation
15 for enlisted members of the Selected Reserve or Ready Re-
16 serve for up to four years in the Selected Reserve or Ready
17 Reserve after completion of education or training for
18 which tuition or expenses are paid under paragraph (1).”.

19 (c) ELIMINATION OF UNNECESSARY PROVISION.—
20 Such section is further amended—

21 (1) by striking subsection (d); and

22 (2) by redesignating subsections (e) and (f) as
23 subsections (d) and (e), respectively.

1 (d) REPAYMENT OF UNEARNED BENEFIT.—Sub-
2 section (e) of such section, as redesignated by subsection
3 (c), is amended—

4 (1) by inserting “(1)” after “(f)”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(2) If a member of the Ready Reserve who enters
8 into an agreement under subsection (c) does not complete
9 the period of service specified in the agreement, the mem-
10 ber shall be subject to the repayment provisions of section
11 303a(e) of title 37.”.

12 (e) REGULATIONS.—Such section is further amended
13 by adding at the end the following new subsection (f):

14 “(f) This section shall be administered under regula-
15 tions prescribed by the Secretary of Defense for the armed
16 forces under his jurisdiction and by the Secretary of
17 Homeland Security for the Coast Guard when it is not
18 operating as a service in the Navy.”.

19 **SEC. 605. MONTGOMERY GI BILL FOR THE SELECTED RE-**
20 **SERVE BENEFITS FOR CERTAIN MEMBERS**
21 **AFFECTED BY FORCE SHAPING INITIATIVES.**

22 Section 16133(b)(1)(B) of title 10, United States
23 Code, is amended—

24 (1) by striking “October 1, 1991” and inserting

25 “October 1, 2007”; and

1 (2) by striking “December 31, 2001” and in-
2 serting “December 31, 2011”.

3 **Subtitle B—Bonuses and Special**
4 **and Incentive Pays**

5 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
6 **SPECIAL PAYS FOR RESERVE FORCES.**

7 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
8 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
9 302g(e) of title 37, United States Code, is amended by
10 striking “December 31, 2007” and inserting “December
11 31, 2008”.

12 (b) SELECTED RESERVE REENLISTMENT BONUS.—
13 Section 308b(g) of such title is amended by striking “De-
14 cember 31, 2007” and inserting “December 31, 2008”.

15 (c) SELECTED RESERVE AFFILIATION OR ENLIST-
16 MENT BONUS.—Section 308c(i) of such title is amended
17 by striking “December 31, 2007” and inserting “Decem-
18 ber 31, 2008”.

19 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
20 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
21 308d(e) of such title is amended by striking “December
22 31, 2007” and inserting “December 31, 2008”.

23 (e) READY RESERVE NON-PRIOR SERVICE ENLIST-
24 MENT BONUS.—Section 308g(f)(2) of such title is amend-

1 ed by striking “December 31, 2007” and inserting “De-
2 cember 31, 2008”.

3 (f) **READY RESERVE ENLISTMENT AND REENLIST-**
4 **MENT BONUS.**—Section 308h(e) of such title is amended
5 by striking “December 31, 2007” and inserting “Decem-
6 ber 31, 2008”.

7 (g) **PRIOR SERVICE REENLISTMENT BONUS.**—Sec-
8 tion 308i(f) of such title is amended by striking “Decem-
9 ber 31, 2007” and inserting “December 31, 2008”.

10 (h) **REPAYMENT OF EDUCATION LOANS FOR CER-**
11 **TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-**
12 **LECTED RESERVE.**—Section 16302(d) of title 10, United
13 States Code, is amended by striking “January 1, 2008”
14 and inserting “January 1, 2009”.

15 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
16 **SPECIAL PAY AUTHORITIES FOR CERTAIN**
17 **HEALTH CARE PROFESSIONALS.**

18 (a) **NURSE OFFICER CANDIDATE ACCESSION PRO-**
19 **GRAM.**—Section 2130a(a)(1) of title 10, United States
20 Code, is amended by striking “December 31, 2007” and
21 inserting “December 31, 2008”.

22 (b) **ACCESSION BONUS FOR REGISTERED NURSES.**—
23 Section 302d(a)(1) of title 37, United States Code, is
24 amended by striking “December 31, 2007” and inserting
25 “December 31, 2008”.

1 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
2 THETISTS.—Section 302e(a)(1) of such title is amended
3 by striking “December 31, 2007” and inserting “Decem-
4 ber 31, 2008”.

5 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—
6 Section 302h(a)(1) of such title is amended by striking
7 “December 31, 2007” and inserting “December 31,
8 2008”.

9 (e) ACCESSION BONUS FOR PHARMACY OFFICERS.—
10 Section 302j(a) of such title is amended by striking “De-
11 cember 31, 2007” and inserting “December 31, 2008”.

12 (f) ACCESSION BONUS FOR MEDICAL OFFICERS IN
13 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
14 302k(f) of such title is amended by striking “December
15 31, 2007” and inserting “December 31, 2008”.

16 (g) ACCESSION BONUS FOR DENTAL SPECIALIST OF-
17 FICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—
18 Section 302l(g) of such title is amended by striking “De-
19 cember 31, 2007” and inserting “December 31, 2008”.

20 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
21 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
22 **CERS.**

23 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
24 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
25 312(e) of title 37, United States Code, is amended by

1 striking “December 31, 2007” and inserting “December
2 31, 2008”.

3 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
4 312b(c) of such title is amended by striking “December
5 31, 2007” and inserting “December 31, 2008”.

6 (c) NUCLEAR CAREER ANNUAL INCENTIVE
7 BONUS.—Section 312c(d) of such title is amended by
8 striking “December 31, 2007” and inserting “December
9 31, 2008”.

10 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
11 **ING TO PAYMENT OF OTHER BONUSES AND**
12 **SPECIAL PAYS.**

13 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
14 tion 301b(a) of title 37, United States Code, is amended
15 by striking “December 31, 2007” and inserting “Decem-
16 ber 31, 2008”.

17 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)
18 of such title is amended by striking “December 31, 2008”
19 and inserting “December 31, 2009”.

20 (c) REENLISTMENT BONUS FOR ACTIVE MEM-
21 BERS.—Section 308(g) of such title is amended by strik-
22 ing “December 31, 2007” and inserting “December 31,
23 2008”.

1 (d) ENLISTMENT BONUS.—Section 309(e) of such
2 title is amended by striking “December 31, 2007” and in-
3 serting “December 31, 2008”.

4 (e) RETENTION INCENTIVES FOR MEMBERS QUALI-
5 FIED IN CRITICAL MILITARY SKILLS OR ASSIGNED TO
6 HIGH PRIORITY UNITS.—Section 323(i) of such title is
7 amended by striking “December 31, 2007” and inserting
8 “December 31, 2008”.

9 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-
10 ICAL SKILLS.—Section 324(g) of such title is amended by
11 striking “December 31, 2007” and inserting “December
12 31, 2008”.

13 (g) INCENTIVE BONUS FOR CONVERSION TO MILI-
14 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL
15 SHORTAGE.—Section 326(g) of such title is amended by
16 striking “December 31, 2007” and inserting “December
17 31, 2008”.

18 (h) ACCESSION BONUS FOR MEMBERS OF THE
19 ARMED FORCES APPOINTED AS COMMISSIONED OFFI-
20 CERS AFTER COMPLETING OFFICER CANDIDATE
21 SCHOOL.—Section 330(f) of such title is amended by
22 striking “December 31, 2007” and inserting “December
23 31, 2008”.

1 **SEC. 615. EXCEPTION TO 25 YEARS OF ACTIVE DUTY LIMIT**
2 **FOR RECEIPT OF CRITICAL SKILLS RETEN-**
3 **TION BONUS.**

4 Section 323(e) of title 37, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(4) The limitations in paragraph (1) may be
8 waived by the Secretary of Defense, or by the Sec-
9 retary of Homeland Security with respect to the
10 Coast Guard when it is not operating as a service
11 in the Navy, with respect to a member who is as-
12 signed duties in a designated critical skill during the
13 period of active duty for which the bonus is being of-
14 fered. This authority may not be delegated below the
15 Undersecretary of Defense for Personnel and Readiness
16 or the Deputy Secretary of the Department of
17 Homeland Security with respect to the Coast Guard
18 when it is not operating as a service in the Navy.”.

19 **SEC. 616. ENHANCEMENT OF REFERRAL BONUS TO EN-**
20 **COURAGE SERVICE IN THE ARMY.**

21 (a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection
22 (a)(1) of section 645 of the National Defense Authoriza-
23 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
24 Stat. 3310) is amended by striking “enlists” and inserting
25 “enlists, or is appointed as an officer to serve in a health
26 profession designated by the Secretary,”.

1 (b) EXTENSION OF AUTHORITY.—Subsection (h) of
2 such section is amended by striking “December 31, 2007”
3 and inserting “December 31, 2010”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date of the enactment
6 of this Act and shall apply with respect to bonuses payable
7 under section 645 of the National Defense Authorization
8 Act for Fiscal Year 2006, as amended by this or any other
9 section, on or after that date.

10 **SEC. 617. ENHANCEMENT OF SELECTED RESERVE ACCES-**
11 **SION BONUS AUTHORITY.**

12 Section 308c(c)(1) of title 37, United States Code,
13 is amended—

14 (1) by inserting “(A)” after “(1)”;

15 (2) by striking “and” at the end of subpara-
16 graph (A), as redesignated, and inserting “or”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(B) has previously served in the armed forces
20 but was released from such service prior to comple-
21 tion of the training required by section 671 of title
22 10, provided such service was characterized as either
23 honorable or uncharacterized; and”.

1 **SEC. 618. SPECIAL PAY: REENLISTMENT BONUS FOR MEM-**
2 **BERS OF THE SELECTED RESERVE.**

3 Section 308b of title 37, United States Code, is
4 amended—

5 (1) in subsection (a)(2), by striking “for a pe-
6 riod of three years or for a period of six years” and
7 inserting “for a period of not less than three years”;
8 and

9 (2) in subsection (b)(1), by striking “may not
10 exceed” and all that follows through the end and in-
11 serting “may not exceed \$15,000.”.

12 **SEC. 619. INCREASE IN INCENTIVE SPECIAL PAY AND**
13 **MULTIYEAR RETENTION BONUS FOR MED-**
14 **ICAL OFFICERS OF THE ARMED FORCES.**

15 (a) INCENTIVE SPECIAL PAY.—Section 302(b)(1) of
16 title 37, United States Code, is amended by striking
17 “\$50,000” and inserting “\$75,000”.

18 (b) MULTIYEAR RETENTION BONUS.—Section
19 301d(a)(2) of such title is amended by striking “\$50,000”
20 and inserting “\$75,000”.

21 **SEC. 620. INCREASE IN DENTAL OFFICER ADDITIONAL SPE-**
22 **CIAL PAY.**

23 Section 302b(a)(4) of title 37, United States Code,
24 is amended—

25 (1) by striking “at the following rates” in the
26 matter preceding subparagraph (A) and inserting

1 “at a rate determined by the Secretary concerned,
2 not to exceed”;

3 (2) in subparagraph (A), by striking “\$4,000”
4 and inserting “\$10,000”; and

5 (3) in subparagraph (B), by striking “\$6,000”
6 and inserting “\$12,000”.

7 **SEC. 621. ACCESSION BONUS FOR PARTICIPANTS IN THE**
8 **ARMED FORCES HEALTH PROFESSIONAL**
9 **SCHOLARSHIP AND FINANCIAL ASSISTANCE**
10 **PROGRAM.**

11 Section 2127 of title 10, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(f)(1) In order to increase participation in the pro-
15 gram under this subchapter, the Secretary of Defense may
16 offer to a person who signs an agreement under section
17 2122 of this title an accession bonus of not more than
18 \$20,000.

19 “(2) In the case of an individual who receives an ac-
20 cession bonus under this subsection, but fails to commence
21 or complete obligated service under this subchapter, the
22 repayment provisions of section 324(f) of title 37 shall
23 apply to the accession bonus under this subsection.”.

1 **SEC. 622. ACCESSION BONUS FOR MEMBERS APPOINTED AS**
2 **COMMISSIONED OFFICERS AFTER ATTEND-**
3 **ING OFFICER CANDIDATE SCHOOL.**

4 (a) IN GENERAL.—Chapter 5 of title 37, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 331. Special pay: accession bonus for officer can-**
8 **didates**

9 “(a) ACCESSION BONUS AUTHORIZED.—Under regu-
10 lations prescribed by the Secretary concerned, a person
11 who executes a written agreement to complete officer can-
12 didate school, accept a commission or appointment as an
13 officer of the armed forces, and serve on active duty as
14 a commissioned officer for a period specified in the agree-
15 ment may, upon acceptance of the agreement by the Sec-
16 retary concerned, be paid an accession bonus in an amount
17 determined by the Secretary.

18 “(b) LIMITATION ON AMOUNT OF BONUS.—The
19 amount of an accession bonus under subsection (a) may
20 not exceed \$8,000.

21 “(c) PAYMENT METHOD.—Upon acceptance of a
22 written agreement under subsection (a) by the Secretary
23 concerned, the total amount of the accession bonus pay-
24 able under the agreement becomes fixed. The agreement
25 shall specify whether the accession bonus will be paid by
26 the Secretary in a lump sum or installments.

1 “(d) REPAYMENT.—A person who, having received all
 2 or part of the bonus under an agreement referred to in
 3 subsection (a), does not complete the total period of active
 4 duty service as a commissioned officer as specified in the
 5 agreement shall be subject to the repayment provisions in
 6 section 303a(e) of this title.

7 “(e) AUTHORITY FOR PAYMENT OF BONUS UNDER
 8 EARLIER AGREEMENTS.—The Secretary of the Army
 9 shall use this authority to retroactively pay a bonus to a
 10 person who executed an agreement during the period from
 11 April 1, 2005 through April 1, 2006 to enlist for the pur-
 12 pose of attending officer candidate school.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of such chapter is amended by adding
 15 at the end the following new item:

“330. Special pay: accession bonus for officer candidates.”.

16 **Subtitle C—Retired Pay and**
 17 **Survivor Benefits**
 18 **SEC. 631. WAIVER OF RECOUPMENT OF OVERPAYMENTS OF**
 19 **RETIRED PAY TO SPOUSE OR FORMER**
 20 **SPOUSE AS A RESULT OF RETROACTIVE DIS-**
 21 **ABILITY DETERMINATION.**

22 Section 2774 of title 10, United States Code, is
 23 amended by adding at the end the following new sub-
 24 section:

1 “(g)(1) The Director of the Office of Management
2 and Budget or the Secretary concerned, as the case may
3 be, shall waive any claim for overpayment against a spouse
4 or former spouse of a member if—

5 “(A) the payment was disposable retired pay
6 that, pursuant to section 1408 of this title, a court
7 treated as property for the purpose of issuing a final
8 decree of divorce, dissolution, annulment, or legal
9 separation, including a court ordered, ratified, or ap-
10 proved property settlement incident to such decree;
11 and

12 “(B) the claim for overpayment is attributable
13 to a determination of entitlement to disability com-
14 pensation under title 38.

15 “(2) In this section:

16 “(A) The term ‘court’ has the meaning given
17 such term in section 1408(a)(1) of this title.

18 “(B) The term ‘disposable retired pay’ has the
19 meaning given such term in section 1408(a)(4) of
20 this title.

21 “(C) The term ‘final decree’ has the meaning
22 given such term in section 1408(a)(3) of this title.

23 “(D) The term ‘member’ has the meaning given
24 such term in section 1408(a)(5) of this title.

1 “(E) The term ‘spouse or former spouse’ has
2 the meaning given such term in section 1408(a)(6)
3 of this title.”.

4 **SEC. 632. SURVIVOR BENEFIT PLAN; EXTENSION OF PE-**
5 **RIOD FOR ELECTION DEEMED TO HAVE BEEN**
6 **MADE.**

7 (a) IN GENERAL.—Section 1450(f)(3)(C) of title 10,
8 United States Code, is amended by striking “one year”
9 and inserting “five years”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall apply with respect to divorces, dissolu-
12 tions, annulments, or legal separations that become effec-
13 tive after the end of the 90-day period beginning on the
14 date of enactment of this Act.

15 **SEC. 633. ALLOWING MEMBER TO SUBMIT APPLICATION**
16 **FOR DIRECT PAYMENT.**

17 (a) PERMIT APPLICATION FOR DIRECT PAYMENT BY
18 MEMBER.—Section 1408(d) of title 10, United States
19 Code, is amended in the first sentence of paragraph (1)
20 by inserting “by a member or former member or the
21 spouse or former spouse of such member” after “the Sec-
22 retary concerned”.

23 (b) CONDITIONS FOR DIRECT PAYMENT.—Section
24 1408(d) of such title is further amended by adding at the
25 end the following new paragraph:

1 “(8) A former spouse who accepts payment
2 shall be deemed—

3 “(A) to have consented and agreed to the
4 recovery of any future overpayments, including
5 recovery by involuntary collection from the
6 former spouse or his or her estate; and

7 “(B) to have agreed to give prompt notice
8 in writing to the Secretary if—

9 “(i) the operative court order upon
10 which payment is based is vacated, modi-
11 fied, or set aside;

12 “(ii) the former spouse remarries, if
13 all or a part of the payment is for alimony;
14 or

15 “(iii) the former spouse is ineligible
16 for child support payments due to the
17 death, emancipation, adoption, or attain-
18 ment of majority of a child whose support
19 is provided through direct payment to a
20 former spouse from retired pay.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to applications for direct payment
23 of retired pay submitted to the Secretary concerned after
24 the end of the 90-day period beginning on the date of en-
25 actment of this Act.

1 **SEC. 634. DIVISION OF RETIRED PAY TO BE BASED ON MEM-**
2 **BER'S LENGTH OF SERVICE AND PAY GRADE**
3 **AT TIME OF DIVORCE.**

4 (a) IN GENERAL.—Section 1408(c) of title 10,
5 United States Code, is amended by adding at the end the
6 following new paragraph:

7 “(5) In the case of a member as to whom a de-
8 cree of divorce, dissolution, annulment, or legal sepa-
9 ration becomes final before the date on which the
10 member begins to receive retired pay, the total
11 monthly retired pay to which a member is entitled,
12 for purposes of determining ‘disposable retired pay,’
13 as defined in paragraph (4) of subsection (a), that
14 a court may treat in the manner described in para-
15 graph (1), shall be limited to retired pay computed
16 based on the pay grade, and the length of service of
17 the member while married, that are creditable to-
18 ward entitlement to basic pay and to retired pay as
19 of the date a marital property interest in retired pay
20 terminates. Amounts so calculated shall be increased
21 by the cumulative percentage of increases in basic
22 pay and retired pay between the date a marital
23 property interest in retired pay terminates and the
24 effective date of the member’s retirement. Upon re-
25 quest and pursuant to regulations, the Secretary

1 concerned shall calculate disposable retired pay de-
2 scribed in this paragraph.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply with respect to divorces, dissolu-
5 tions, annulments, and legal separations that become ef-
6 fective after the end of the 90-day period beginning on
7 the date of enactment of this Act.

8 **SEC. 635. INCREASES FOR DIVISIONS OF RETIRED PAY EX-**
9 **PRESSED AS A DOLLAR AMOUNT.**

10 (a) MONETARY AMOUNT ADJUSTMENT.—Section
11 1408(a)(2)(C) of title 10, United States Code, is amended
12 by striking “expressed in dollars” and inserting “ex-
13 pressed as a specific dollar amount, with such amount,
14 if so ordered, being adjusted in the same manner and at
15 the same time as retired pay is adjusted to reflect changes
16 in the Consumer Price Index under section 1401a of this
17 title,”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to court orders that
20 become effective after the end of the 90-day period begin-
21 ning on the date of enactment of this Act.

22 **SEC. 636. REVOCATION OF TEN-YEAR RULE FOR DIRECT**
23 **PAYMENT OF RETIRED PAY.**

24 (a) REVOCATION OF TEN-YEAR RULE.—Section
25 1408(d) of title 10, United States Code, is amended—

1 (1) by striking paragraph (2); and

2 (2) by redesignating paragraphs (3) through
3 (7) as paragraphs (2) through (6), respectively.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the first day of the first
6 month which begins more than 120 days after the date
7 of enactment of this Act and shall apply only to payments
8 of retired pay for periods beginning on or after the effec-
9 tive date of this section in the case of any former spouse
10 of a member or former member of the uniformed services.

11 **SEC. 637. SURVIVOR BENEFIT PLAN; MULTIPLE BENE-**
12 **FICIARIES.**

13 (a) PERMIT SPOUSE AND FORMER SPOUSE COV-
14 ERAGE.—Section 1448(b)(2) of title 10, United States
15 Code, is amended—

16 (1) in subparagraph (B)—

17 (A) by striking “prevents payment” and
18 inserting “reduces the amount”; and

19 (B) by striking “including payment” and
20 inserting “including the amount of an annuity”;
21 and

22 (2) in subparagraph (C), by striking “which
23 former spouse is to be provided the annuity” and in-
24 serting “the base amount applicable in determining
25 the amount of the annuity of each former spouse”.

1 (b) PERMIT SPOUSE AND FORMER SPOUSE ANNU-
2 ITIES.—Section 1450(a)(1) of such title is amended to
3 read as follows:

4 “(1) SURVIVING SPOUSE AND FORMER
5 SPOUSE(S).—The eligible surviving spouse and every
6 eligible former spouse.”.

7 (c) PERMIT REDUCTIONS IN RETIRED PAY IN THE
8 CASE OF MULTIPLE BENEFICIARIES.—Section 1452 of
9 such title is amended by adding at the end the following
10 new subsection:

11 “(k) REDUCTIONS IN RETIRED PAY IN THE CASE OF
12 MULTIPLE BENEFICIARIES.—When a participant in the
13 Plan has elected to provide an annuity to a spouse and
14 to one or more former spouses, reductions in retired pay
15 required by subsection (a) shall be made for each annuity
16 elected, in an amount based on the base amount applicable
17 to each annuity. In the case of a reduction in retired pay
18 to provide an annuity to a former spouse to whom pay-
19 ment of a portion of a member’s retired pay is being made
20 pursuant to a court order under section 1408 of this title,
21 such reduction in retired pay shall be deducted from the
22 amounts paid to such member, to such former spouse, or
23 both, as provided by court order or by agreement of the
24 parties.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 subsections (a), (b), and (c) apply with respect to elections
3 made on or after the date of enactment of this Act. Any
4 election to provide an annuity to a spouse or former
5 spouse who was prevented from being a beneficiary under
6 the laws in effect before the date of enactment of this Act
7 shall be made within 180 days following the date of enact-
8 ment of this Act.

9 (e) COVERAGE FOR SURVIVORS OF RETIREMENT-EL-
10 IGIBLE MEMBERS WHO DIE ON ACTIVE DUTY.—(1) Sec-
11 tion 1448(d) of such title is amended—

12 (A) in paragraph (3), by striking “the Sec-
13 retary—(A) may not pay an annuity under para-
14 graph (1) or (2); but (B)” and inserting “the Sec-
15 retary”; and

16 (B) by amending paragraph (5) to read as fol-
17 lows:

18 “(5) COMPUTATION.—(A) The amount of an
19 annuity payable to a former spouse pursuant to
20 paragraph (3) shall be computed on the basis of a
21 base amount equal to the amount of retired pay
22 that, under the authority of section 1408(c) of this
23 title, is treated under a court order or spousal agree-
24 ment as the property of such former spouse.

1 “(B) The amount of an annuity payable under
2 paragraph (1) or (2) shall be computed under sec-
3 tion 1451(c) of this title; however, the retired pay
4 otherwise applicable with respect to such computa-
5 tion shall be reduced by an amount equal to the base
6 amount that provides the basis for computing the
7 amount of an annuity payable to a former spouse
8 under paragraph (3) of this subsection.”.

9 (2) EFFECTIVE DATE.—The amendments made by
10 paragraph (1) shall apply with respect to survivors of re-
11 tirement-eligible members who die on active duty on or
12 after the date of enactment of this Act.

13 (f) COVERAGE FOR SURVIVORS OF PERSONS DYING
14 WHEN ELIGIBLE TO ELECT RESERVE COMPONENT AN-
15 NUITY.—(1) Section 1448(f) of such title is amended—

16 (A) by striking “the Secretary—(A) may not
17 pay an annuity under paragraph (1) or (2); but
18 (B)” and inserting “the Secretary”; and

19 (B) by amending paragraph (4) to read as fol-
20 lows:

21 “(4) COMPUTATION.—(A) The amount of an
22 annuity payable to a former spouse pursuant to
23 paragraph (3) shall be computed on the basis of a
24 base amount equal to the amount of retired pay
25 that, under the authority of section 1408(c) of this

1 title, is treated under a court order or spousal agree-
2 ment as the property of such former spouse.

3 “(B) The amount of an annuity payable under
4 paragraph (1) or (2) shall be computed under sec-
5 tion 1451(c) of this title; however, the retired pay
6 otherwise applicable with respect to such computa-
7 tion shall be reduced by an amount equal to the base
8 amount that provides the basis for computing the
9 amount of an annuity payable to a former spouse
10 under paragraph (3) of this subsection.”.

11 (2) EFFECTIVE DATE.—The amendments made by
12 paragraph (1) shall apply with respect to survivors of per-
13 sons eligible to elect reserve-component annuity retire-
14 ment-eligible members who die on or after the date of en-
15 actment of this Act.

16 **SEC. 638. SURVIVOR BENEFIT PLAN; FINANCIAL RESPONSI-**
17 **BILITY FOR SURVIVOR BENEFIT PLAN PAR-**
18 **TICIPATION.**

19 (a) SPOUSE AND FORMER SPOUSE ANNUITIES.—Sec-
20 tion 1452(a) of title 10, United States Code, is amended—

21 (1) in paragraph (1), by inserting “paragraph
22 (6) of this subsection or” after “Except as provided
23 in”; and

24 (2) by adding at the end the following new
25 paragraph:

1 an annuity provided under the Plan for a
2 former spouse, unless otherwise agreed to by
3 the member and former spouse or ordered by a
4 court, such term means any amount of monthly
5 retired pay, which is not less than \$300, pay-
6 able to such former spouse as a result of a
7 court treating disposable retired pay of a mem-
8 ber as the property of the member and his
9 spouse under the authority of section 1408(c).”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to divorces, dissolu-
12 tions, annulments, and legal separations that become ef-
13 fective after the end of the 90-day period beginning on
14 the date of enactment of this Act.

15 **Subtitle D—Commissary and Non-**
16 **appropriated Fund Instrumen-**
17 **tality Benefits**

18 **SEC. 641. CONTINUATION OF COMMISSARY AND EXCHANGE**
19 **PRIVILEGES.**

20 Section 1146 of title 10, United States Code is
21 amended—

22 (1) by inserting “, or a member of the Selected
23 Reserve of the Ready Reserve who is involuntarily
24 separated from the Selected Reserve due to force
25 shaping requirements directed by the Secretary of

1 the military department concerned,” after “active
2 duty” the first place it appears; and

3 (2) by striking “October 1, 1990, and ending
4 on December 31, 2001” and inserting “October 1,
5 2007, and ending on December 31, 2012”.

6 **Subtitle E—Other Matters**

7 **SEC. 651. CHANGE IN THE DEFINITION OF SEA DUTY FOR** 8 **CAREER SEA PAY TO INCLUDE MULTI-CREW** 9 **SHIPS.**

10 Section 305a(e)(1)(A) of title 37, United States
11 Code, is amended—

12 (1) by striking “or” at the end of clause (ii);
13 and

14 (2) by adding at the end the following new
15 clause:

16 “(iv) while serving as an off-cycle
17 crewmember of a multi-crewed ship; or”.

18 **SEC. 652. ESTABLISHMENT OF ARMY INCENTIVE FUND.**

19 (a) ESTABLISHMENT OF FUND.—Part II of subtitle
20 B of title 10, United States Code, is amended by adding
21 at the end the following new chapter:

22 **“CHAPTER 376—FUND FOR PAYMENT OF** 23 **INCENTIVES AND BONUSES**

“Sec.

“4101. Fund for payment of incentives and bonuses.

1 **“§ 4101. Fund for payment of incentives and bonuses**

2 “(a) ESTABLISHMENT OF FUND.—There is estab-
3 lished on the books of the Treasury a fund to be known
4 as the Army Incentive Fund (hereinafter in this section
5 referred to as the ‘Fund’), which shall be administered by
6 the Secretary of the Treasury. The Fund shall be used
7 for the accumulation of funds in order to finance on an
8 actuarially sound basis Army bonus and incentive liabil-
9 ities that have been specifically authorized by law to be
10 paid from the Fund.

11 “(b) DEFINITIONS.—In this section:

12 “(1) The term ‘specifically authorized Army
13 bonus and incentive liabilities’ means liabilities of
14 the Department of the Army for a bonus or incen-
15 tive under—

16 “(A) chapter 5 of title 37, that is specifi-
17 cally authorized by law to be paid from the
18 Fund; or

19 “(B) section 681 of the National Defense
20 Authorization Act for Fiscal Year 2006 (Public
21 Law 109–163).

22 “(2) The term ‘normal cost’, with respect to
23 any period of time, means the present value of fu-
24 ture bonuses and incentives payable to persons who
25 during such period qualify for a bonus or incentive
26 authorized by law to be paid from the Fund.

1 “(c) ASSETS OF THE FUND.—There shall be depos-
2 ited into the Fund the following, which shall constitute
3 the assets of the Fund:

4 “(1) Amounts paid into the Fund under sub-
5 section (g).

6 “(2) Any amount appropriated directly to the
7 Fund.

8 “(3) Any return on investment of the assets of
9 the Fund.

10 “(d) PAYMENTS FROM THE FUND.—The Secretary
11 of the Treasury shall transfer from the Fund to the Sec-
12 retary of the Army only such amounts as are necessary
13 to enable the Secretary to make required payments of spe-
14 cifically authorized Army bonus and incentive liabilities,
15 as defined in subsection (b)(1). The Secretary of the
16 Treasury and the Secretary of the Army shall enter into
17 an agreement as to how and when, and the amounts in
18 which, such transfers shall be made. Except for invest-
19 ments under subsection (h), amounts in the Funds may
20 not be used for any purpose other than transfers described
21 in this subsection.

22 “(e) BOARD OF ACTUARIES.—The Board of Actu-
23 aries established under section 2006(e) of this title (here-
24 inafter in this section referred to as the ‘Board’) shall re-
25 port to the Secretary of Defense annually on the actuarial

1 status of the Fund and shall furnish its advice and opinion
2 on matters referred to it by the Secretary.

3 “(f) DETERMINATIONS OF CONTRIBUTIONS TO THE
4 FUND.—(1) The Secretary of Defense shall carry out peri-
5 odic actuarial valuations of any program for a bonus or
6 incentive authorized to be paid from the Fund.

7 “(2) Based on the most recent such valuation, the
8 Secretary of Defense shall estimate the normal cost for
9 such program for the next fiscal year.

10 “(3) At the time of such evaluation, the Secretary
11 of Defense shall make determinations for such program
12 in the same manner, as far as practicable, as determina-
13 tions are made under paragraphs (3) and (4) of section
14 2006(f) of this title.

15 “(4) Based on the determinations under paragraphs
16 (2) and (3), the Secretary of Defense shall determine the
17 amount needed to be appropriated to the Department of
18 the Army for the next fiscal year for payments to be made
19 to the Fund under subsection (g).

20 “(5) All determinations under this subsection shall be
21 made using methods and assumptions approved by the
22 Board (including assumptions of interest rates) and in ac-
23 cordance with generally accepted actuarial principles and
24 practices.

1 “(g) PAYMENTS INTO THE FUND.—(1) The Sec-
2 retary of the Army shall pay into the Fund each month
3 the amount that, based upon the most recent actuarial
4 valuation of a program for a bonus or incentive authorized
5 to be paid from the Fund, is equal to the normal cost
6 for the program for the preceding month.

7 “(2) The Secretary of the Army shall pay into the
8 Fund at the beginning of each fiscal year (or as soon
9 thereafter as appropriations are available for such pur-
10 pose) an amount, if any, for the amortization of any liabil-
11 ity to the Fund, or actuarial gain or loss to the Fund,
12 related to the determinations made under subsection
13 (f)(3).

14 “(3) Amounts paid into the Fund under this section
15 shall be paid from appropriations available for the pay of
16 members of the Army.

17 “(h) INVESTMENTS OF ASSETS OF THE FUND.—The
18 Secretary of the Army may request the Secretary of the
19 Treasury to invest such portion of the Fund as is not,
20 in the judgment of the Secretary of the Army, required
21 to meet current withdrawals. Such investments shall be
22 made by the Secretary of the Treasury in public debt secu-
23 rities with maturities suitable to the needs of the Fund,
24 as determined by the Secretary of the Army, and bearing
25 interest at a rate determined by the Secretary of the

1 Treasury, taking into consideration current market yields
 2 on outstanding marketable obligations of the United
 3 States of comparable maturity.

4 “(i) TRANSFER OF FUNDS AFTER TERMINATION.—
 5 If the use of the Fund is terminated, as determined by
 6 the Secretary of the Army, and the amount in the Fund
 7 is in excess of all liabilities for future payments for bo-
 8 nuses and incentives for which funds were transferred into
 9 the Fund, the amount by which the amount in the Fund
 10 exceeds the liabilities may be transferred to the appropria-
 11 tion that is available for the pay of members of the Army
 12 at the time of the transfer.”.

13 (b) CLERICAL AMENDMENTS.—The table of chapters
 14 for part II of subtitle B of such title is amended by adding
 15 at the end the following new item:

“376. Fund for Payment of Incentives and Bonuses 4101.”.

16 **SEC. 653. EXPANSION OF SELECTED RESERVE EDUCATION**
 17 **LOAN REPAYMENT PROGRAM.**

18 (a) ADDITIONAL LOANS ELIGIBLE FOR REPAY-
 19 MENT.—Paragraph (1) of section 16301(a) of title 10,
 20 United States Code, is amended—

21 (1) by striking “or” at the end of subparagraph

22 (B)

23 (2) by striking the period at the end of sub-
 24 paragraph (C) and inserting “; or”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(D) any loan incurred for educational
4 purposes made by a lender that is—

5 “(i) an agency or instrumentality of a
6 State;

7 “(ii) a financial or credit institution
8 (including an insurance company) that is
9 subject to examination and supervision by
10 an agency of the United States or any
11 State;

12 “(iii) a pension fund approved by the
13 Secretary for purposes of this section; or

14 “(iv) a nonprofit private entity des-
15 ignated by a State, regulated by such
16 State, and approved by the Secretary for
17 purposes of this section.”.

18 (b) ELIGIBILITY OF OFFICERS.—Paragraph (2) of
19 such section is amended—

20 (1) by striking “Except as provided in para-
21 graph (3), the Secretary” and inserting “The Sec-
22 retary”; and

23 (2) by striking “an enlisted member of the Se-
24 lected Reserve of the Ready Reserve of an armed
25 force in a reserve component and military specialty”

1 and inserting “a member of the Selected Reserve of
2 the Ready Reserve of an armed force in a reserve
3 component and officer program or military spe-
4 cialty”.

5 (c) CONFORMING AMENDMENTS.—Such section is
6 further amended—

7 (1) by striking paragraph (3); and

8 (2) in the heading, by striking “**enlisted**
9 **members of Selected Reserve with crit-**
10 **ical specialties**” and inserting “**members of**
11 **the Selected Reserve**”.

12 (d) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 1609 of such title is amended
14 by striking the item relating to section 16301 and insert-
15 ing the following new item:

“16301. Education loan repayment program; members of the Selected Re-
serve.”.

16 **SEC. 654. ALLOW MEMBER TO WAIVE NOTICE AND PROVIDE**
17 **COURT ORDER UPON REQUEST.**

18 (a) ALLOW MEMBER TO WAIVE NOTICE AND PRO-
19 VIDE COURT ORDER UPON REQUEST.—Section 1408(g)
20 of title 10, United States Code, is amended—

21 (1) by striking “A person” and inserting “Un-
22 less notice is waived by the member, a person”; and

1 **SEC. 656. CLARIFYING AMENDMENT REGARDING JURISDIC-**
2 **TION FOR PURPOSES OF ALLOCATION OF RE-**
3 **TIRED PAY UNDER THE UNIFORMED SERV-**
4 **ICES FORMER SPOUSE PROTECTION ACT.**

5 Section 1408(c) of title 10, United States Code, is
6 amended by striking paragraph (4).

7 **TITLE VII—HEALTH CARE**
8 **PROVISIONS**

9 **TRICARE Program Improvements**

10 **SEC. 701. REVISING TRICARE PROGRAM COST SHARING**
11 **AMOUNTS.**

12 (a) **AUTHORITY.**—Section 1086(b) of title 10, United
13 States Code, is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(5) Notwithstanding paragraphs (1) through
16 (4), the Secretary of Defense shall promulgate regu-
17 lations to revise the requirements for payments by
18 beneficiaries under this subsection in order to reflect
19 increases in health care costs. Such requirements,
20 which may include a revised deductible amount, an
21 enrollment fee, and future indexing, need not be uni-
22 form for all such beneficiaries. Any such enrollment
23 fee may be a condition of eligibility for health care
24 benefits under chapter 55 of this title.”.

1 (b) IMPLEMENTATION.—The Secretary of Defense
2 shall promulgate the regulations required by section
3 1086(b)(5) of title 10, United States Code, as added by
4 subsection (a), after first considering the recommenda-
5 tions of the Task Force on the Future of Military Health
6 Care regarding the beneficiary and Government cost shar-
7 ing structure required to sustain military health benefits
8 over the long term, as required by subsections (c)(3)(H)
9 and (e)(1) of section 711 of the John Warner National
10 Defense Authorization Act for Fiscal Year 2007 (Public
11 Law 109–364; 120 Stat. 2285). The regulations shall be-
12 come effective not later than 90 days after the date of
13 enactment of this Act. The Secretary shall submit the reg-
14 ulations, and a report describing the rationale for the
15 changes promulgated, to the Committees on Armed Serv-
16 ices of the Senate and House of Representatives at least
17 30 days before such regulations become effective.

18 **SEC. 702. EXCLUSION OF SURROGACY MATERNITY AND IN-**
19 **FANT CARE.**

20 (a) IN GENERAL.—Chapter 55 of title 10, United
21 States Code, is amended by inserting after section 1074k
22 the following new section:

1 **“§ 1074l. Exclusion of surrogacy maternity and infant**
2 **care**

3 “(a) IN GENERAL.—Health care services, including
4 pre-natal care, maternity care, and newborn infant care,
5 arising from a surrogate pregnancy are excluded under
6 this chapter.

7 “(b) EMERGENCY HEALTH CARE SERVICES.—Sub-
8 section (a) does not preclude the provision of emergency
9 health care services in facilities of the uniformed services
10 on a reimbursable basis.

11 “(c) DEFINITION.—As used in this section, the term
12 ‘surrogate pregnancy’ means a pregnancy in which a fer-
13 tile woman who is not the wife of the sperm donor agrees,
14 whether or not for a fee, to be impregnated for the purpose
15 of carrying to term a child to be surrendered to the care
16 of the sperm donor and his wife or to any other person
17 or persons.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by inserting
20 after the item related to section 1074k the following new
21 item:

“1074l. Exclusion of surrogacy maternity and infant care.”.

1 **SEC. 703. SUSPENSION OF HEALTH CARE ELIGIBILITY FOR**
2 **FRAUD.**

3 (a) **IN GENERAL.**—Section 1073 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new subsection:

6 “(c) **SUSPENSION OF HEALTH CARE ELIGIBILITY**
7 **FOR FRAUD.**—In the case of any covered beneficiary who
8 knowingly makes or causes to be made or conspires, aids,
9 or assists in, agrees to, arranges for, or in any way pro-
10 cures the making or presentation of a false or fraudulent
11 affidavit, declaration, certificate, statement, voucher, or
12 paper (including by electronic means) concerning any
13 claim for benefits for such covered beneficiary or his or
14 her dependent under this chapter, the Secretary may at
15 his option, notwithstanding any other provision of this
16 chapter, limit, restrict, or suspend the eligibility under this
17 chapter of that covered beneficiary for such period, not
18 exceeding five years, as the Secretary deems appropriate.
19 The Secretary shall, after consultation with the other ad-
20 ministering Secretaries, establish by regulation proce-
21 dures, including notice and opportunity for a hearing, for
22 the implementation of this subsection.”.

23 (b) **EFFECTIVE DATE.**—The amendment made by
24 subsection (a) shall take effect 90 days after enactment
25 of this Act.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Acquisition Policy and**
6 **Management**

7 **SEC. 801. UNIFIED COMBATANT COMMAND FOR JOINT**
8 **WARFIGHTING EXPERIMENTATION: ACQUI-**
9 **TION AUTHORITY.**

10 Section 167a of title 10, United States Code, is
11 amended—

- 12 (1) in subsection (a), by striking “and acquire”
13 and inserting “, acquire and sustain”; and
14 (2) by striking subsection (f).

15 **SEC. 802. LIMITED AUTHORIZATION TO ACQUIRE ITEMS**
16 **PRODUCED IN IRAQ OR AFGHANISTAN FOR**
17 **USE BY IRAQI OR AFGHANI FORCES.**

18 Notwithstanding any other provision of law, the head
19 of the contracting activity in Iraq or Afghanistan may au-
20 thorize the use of funds appropriated or otherwise made
21 available to the Department of Defense for the procure-
22 ment of any article or item covered by subparagraphs (B)
23 through (E) of section 2533a(b)(1) of title 10, United
24 States Code, that is grown, reprocessed, reused, or pro-
25 duced outside the United States, provided that:

1 (1) such procurement is conducted in Iraq or
2 Afghanistan in support of contingency operations;

3 (2) such article or item is grown, reprocessed,
4 reused, or produced in Iraq or Afghanistan;

5 (3) such article or item is to be used only by
6 the military forces, police, or other security per-
7 sonnel of the nation of Iraq or Afghanistan; and

8 (4) offers are requested from as many potential
9 sources as is practicable under the circumstances.

10 **SEC. 803. MINIMUM ANNUAL PURCHASE FOR CIVIL RE-**
11 **SERVE AIR FLEET CONTRACTS.**

12 (a) IN GENERAL.—Chapter 931 of title 10, United
13 States Code, is amended by adding at the end the fol-
14 lowing new section:

15 **“§ 9515. Minimum annual purchase for Civil Reserve**
16 **Air Fleet contracts**

17 “(a) IN GENERAL.—The Secretary of Defense is au-
18 thorized to award to air carriers or air carrier teaming
19 arrangements (carriers) participating in the Civil Reserve
20 Air Fleet (CRAF) program annual airlift contracts with
21 a minimum purchase amount determined in accordance
22 with this section.

23 “(b) MINIMUM ANNUAL CONTRACT AWARDS.—Such
24 contract minimum purchase amount shall be based on
25 forecast needs but may not be for more than eighty per-

1 cent of the annual average expenditures of airlift for the
2 prior 5-year period. Unusually high demand years, such
3 as during a conflict, will normally be omitted to obtain
4 a more accurate forecast. Award amounts shall be divided
5 among said carriers proportional to their relative commit-
6 ments to the CRAF program.

7 “(c) DISTRIBUTION OF AMOUNTS.—Should any of
8 the amounts set aside for the annual minimum airlift pur-
9 chase not be utilized to purchase actual transportation
10 from a carrier to whom said contract is awarded, such re-
11 mainder must be transferred to the carrier; however, pro-
12 portional adjustment shall be made for periods when serv-
13 ices from the carrier were unavailable for usage by the
14 Department of Defense, such as refused business, sus-
15 pended operations, or when the air carrier is placed in
16 non-use status pursuant to section 2640 of this title for
17 safety issues. If the cumulative annual purchases of actual
18 transportation services exceed the minimum annual con-
19 tract amount for a carrier, no additional amount will be
20 transferred.

21 “(d) MERGER OF FUNDS.—Amounts available to the
22 military departments for transportation equal to the pro-
23 portional share of usage by each military department shall
24 be transferred to the transportation working capital fund
25 to fund the award of said contracts. Each military depart-

1 ment shall be entitled to obtain transportation of equal
2 value or transfer that entitlement to other military depart-
3 ments or Department of Defense units. Such transferred
4 value shall be merged with the appropriations of the re-
5 ceiving unit.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by adding
8 at the end the following new item:

“9515. Minimum annual purchase for Civil Reserve Air Fleet contracts.”.

9 **SEC. 804. REVISIONS TO REQUIRED RECEIPT OBJECTIVES**
10 **FOR PREVIOUSLY AUTHORIZED DISPOSALS**
11 **FROM THE NATIONAL DEFENSE STOCKPILE.**

12 (a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—
13 Paragraph (5) of section 3402(b) of the National Defense
14 Authorization Act for Fiscal Year 2000 (Public Law 106–
15 65; 50 U.S.C. 98d note), as amended by section 3302 of
16 the National Defense Authorization Act for Fiscal Year
17 2006 (Public Law 109–163; 119 Stat. 3546), is amended
18 by striking “\$600,000,000 before” and inserting
19 “\$730,000,000 by”.

20 (b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Sec-
21 tion 3303(a) of the Strom Thurmond National Defense
22 Authorization Act for Fiscal Year 1999 (Public Law 105–
23 261; 50 U.S.C. 98d note), as amended by section 3302(a)
24 of the John Warner National Defense Authorization Act
25 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.

1 2513), is amended by striking “\$1,016,000,000” in para-
2 graph (7) and inserting “\$1,469,102,000”.

3 **Subtitle B—Amendments to Gen-**
4 **eral Contracting Authorities,**
5 **Procedures, and Limitations**

6 **SEC. 811. REVITALIZATION OF DEPARTMENT OF DEFENSE**
7 **LABORATORIES.**

8 (a) LABORATORY REVITALIZATION.—Section 2805 of
9 title 10, United States Code, is amended—

10 (1) by redesignating subsection (d) as sub-
11 section (e); and

12 (2) by inserting after subsection (c) the fol-
13 lowing new subsection (d):

14 “(d) LABORATORY REVITALIZATION.—(1) For the
15 revitalization and recapitalization of laboratories owned by
16 the United States and under the jurisdiction of the Sec-
17 retary concerned, the Secretary may spend from appro-
18 priations available—

19 “(A) for operation and maintenance amounts
20 necessary to carry out an unspecified minor military
21 construction project costing not more than
22 \$2,000,000; or

23 “(B) for military construction not otherwise au-
24 thorized by law amounts necessary to carry out an

1 unspecified minor military construction project cost-
2 ing not more than \$5,000,000.

3 “(2) For projects conducted pursuant to this sub-
4 section, \$2,000,000 shall be the amount applied for pur-
5 poses of subsection (b)(1).

6 “(3) For purposes of this subsection, the term ‘lab-
7 oratory’ includes—

8 “(A) a research, engineering, and development
9 center;

10 “(B) a test and evaluation activity; and

11 “(C) any buildings, structures, or facilities lo-
12 cated at and supporting such centers or activities.

13 “(4) For purposes of this subsection, the
14 amounts allowed to be applied in any one fiscal year
15 to projects at any one laboratory shall be limited in
16 size to the larger of the amounts applicable as set
17 forth in subsection (d)(1).”.

18 (b) **STYLISTIC AMENDMENTS.**—Such section is fur-
19 ther amended—

20 (1) in subsection (a), by inserting “**MILITARY**
21 **CONSTRUCTION FUNDING.**—” after “(a)”;

22 (2) in subsection (b), by inserting “**NOTIFICA-**
23 **TIONS.**—” after “(b)”;

24 (3) in subsection (c), by inserting “**OPERATION**
25 **AND MAINTENANCE FUNDING.**—” after “(c)”; and

1 (4) in subsection (e), as redesignated by sub-
2 section (a)(1), by inserting “LIMITATIONS.—” after
3 “(e)”.

4 **SEC. 812. EXTENSION OF THE AUTHORITY TO CARRY OUT**
5 **CERTAIN PROTOTYPE PROJECTS.**

6 Section 845(i) of the National Defense Authorization
7 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-
8 ed by striking “September 30, 2008” and inserting “Sep-
9 tember 30, 2013”.

10 **SEC. 813. MULTIYEAR PROCUREMENT AUTHORITY FOR**
11 **ELECTRICITY FROM RENEWABLE ENERGY**
12 **SOURCES.**

13 (a) IN GENERAL.—Section 2410o(a) of title 10,
14 United States Code, is amended—

15 (1) by striking “and hydrazine-related prod-
16 ucts” and inserting “hydrazine-related products, and
17 electricity from renewable energy sources which in-
18 clude, but are not limited to solar, wind, biomass,
19 landfill gas, ocean (including tidal, wave, current
20 and thermal), geothermal, municipal solid waste or
21 new hydroelectric generation capacity achieved from
22 increased efficiency at hydroelectric projects”; and

23 (2) by inserting before the period at the end the
24 following: “or in the best interests of the United
25 States”.

1 (b) CLERICAL AMENDMENTS.—(1) The heading of
2 such section is amended to read as follows:

3 **“§ 2410o. Multiyear procurement authority: purchase**
4 **of dinitrogen tetroxide, hydrazine, hydra-**
5 **zine-related products, and electricity**
6 **from renewable energy”.**

7 (2) The table of sections at the beginning of
8 chapter 141 of such title is amended by striking the
9 item relating to section 2410o and inserting the fol-
10 lowing new item:

“2410o. Multiyear procurement authority: purchase of dinitrogen tetroxide, hy-
drazine, hydrazine-related products, and electricity from renew-
able energy.”.

11 **SEC. 814. EXEMPTION FOR SPECIAL OPERATIONS COM-**
12 **MAND.**

13 (a) EXEMPTION.—Chapter 6 of title 10, United
14 States Code, is amended by inserting after section 167a
15 the following new section:

16 **“§ 167b. Exemption for the commander of the United**
17 **States Special Operations Command**

18 “Pursuant to section 167 of this title, the commander
19 of the special operations command is responsible for, and
20 has the authority to conduct all affairs of, such command
21 relating to special operations activities. The commander
22 of the special operations command may carry out his func-
23 tions under section 167 without regard to sections 2401,
24 et seq., of this title if the Secretary of Defense makes a

1 determination that carrying out such functions in such
2 manner is required for national security interests.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“167b. Exemption for the commander of the United States Special Operations
Command.”.

6 **TITLE IX—DEPARTMENT OF DE-**
7 **FENSE ORGANIZATION AND**
8 **MANAGEMENT**

9 **Subtitle A—Department of Defense**
10 **Management**

11 **SEC. 901. DEPARTMENT OF DEFENSE BOARD OF ACTU-**
12 **ARIES.**

13 (a)(1) ESTABLISHMENT.—There is established in the
14 Department of Defense a Department of Defense Board
15 of Actuaries (hereinafter in this section referred to as the
16 “Board”). The Board shall consist of three members who
17 shall be appointed by the President from among qualified
18 professional actuaries who are members of the Society of
19 Actuaries.

20 (2)(A) Except as provided in subparagraph (B), the
21 members of the Board shall serve for a term of 15 years,
22 except that a member of the Board appointed to fill a va-
23 cancy occurring before the end of the term for which his
24 predecessor was appointed shall only serve until the end

1 of such term. A member may serve after the end of his
2 term until his successor has taken office. A member of
3 the Board may be removed by the President.

4 (B) The three current members of the Department
5 of Defense Retirement Board of Actuaries and the De-
6 partment of Defense Education Benefits Board of Actu-
7 aries shall serve the remainder of their existing terms as
8 members of the Board pursuant to subparagraph (A).

9 (C) A member of the Board who is not otherwise an
10 employee of the United States is entitled to receive pay
11 at the daily equivalent of the annual rate of basic pay of
12 the highest rate of basic pay then currently being paid
13 under the General Schedule of subchapter III of chapter
14 53 of title 5, United States Code, for each day the member
15 is engaged in the performance of duties vested in the
16 Board and is entitled to travel expenses, including a per
17 diem allowance, in accordance with section 5703 of title
18 5.

19 (b) REPORT.—The Board shall report to the Sec-
20 retary of Defense annually on the actuarial status of the
21 Department of Defense Military Retirement Fund estab-
22 lished by section 1461 of title 10, United States Code, and
23 the Department of Defense Education Benefits Fund es-
24 tablished by section 2006 of title 10, and shall furnish

1 its advice and opinion on matters referred to it by the Sec-
2 retary.

3 (c) RECORDS.—The Secretary shall keep, or cause to
4 be kept, such records as necessary for determining the ac-
5 tuarial status of the Funds.

6 (d) DoD EDUCATION BENEFITS FUND.—The Board
7 shall review valuations of the Department of Defense Edu-
8 cation Benefits Fund under section 2006(f) of title 10,
9 United States Code, and shall recommend to the President
10 and thereafter to the Congress such changes as in the
11 Board's judgment are appropriate and necessary to pro-
12 tect the public interest and maintain the Department of
13 Defense Education Benefits Fund on a sound actuarial
14 basis.

15 (e) DoD MILITARY RETIREMENT FUND.—The
16 Board shall review valuations of the Department of De-
17 fense Military Retirement Fund under section 1465(c) of
18 title 10, United States Code, and shall report periodically,
19 not less than once every four years, to the President and
20 thereafter to the Congress on the status of the Depart-
21 ment of Defense Military Retirement Fund. The Board
22 shall include in such report recommendations for such
23 changes as in the Board's judgment are appropriate and
24 necessary to protect the public interest and maintain the

1 Department of Defense Military Retirement Fund on a
2 sound actuarial basis.

3 (f) REPEAL OF SUPERCEDED PROVISIONS.—(1) Sec-
4 tion 1464 of title 10, United States Code, is repealed.

5 (2) Section 2006 of title 10 is amended by striking
6 subsection (e).

7 (g) CONFORMING AMENDMENTS.—

8 (1) The table of sections at the beginning of
9 chapter 74 of title 10, United States Code, is
10 amended by striking the item relating to section
11 1464.

12 (2) Section 1175(h)(4) of such title is amended
13 by striking “Retirement” the first place it appears.

14 (3) Section 1460(b) of such title is amended by
15 striking “Retirement”.

16 (4) Section 1466(c)(3) of such title is amended
17 by striking “Retirement”.

18 (5) Section 12521(6) of such title is amended
19 by striking “Department of Defense Education Ben-
20 efits Board of Actuaries referred to in section
21 2006(e)(1) of this title” and inserting “Department
22 of Defense Board of Actuaries”.

1 **SEC. 902. LIMITATION ON MAJOR DEPARTMENT OF DE-**
2 **FENSE HEADQUARTERS ACTIVITIES PER-**
3 **SONNEL.**

4 Section 130a of title 10, United States Code, is
5 amended—

6 (1) in subsection (c)(2), by striking “as Major
7 DoD Headquarters Activities in accordance with De-
8 partment of Defense Directive 5100.73” and all that
9 follows through the period at the end and inserting
10 “in regulations prescribed by the Secretary of De-
11 fense.”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(e) FLEXIBILITY IN ORDER TO ACHIEVE COST SAV-
15 INGS OR ELIMINATE CONTRACTS ASSOCIATED WITH IN-
16 HERENTLY GOVERNMENTAL FUNCTIONS.—If the Sec-
17 retary of a military department or the commander of a
18 combatant command certifies to the Secretary of Defense
19 that a waiver of the limitation in subsection (a) or a re-
20 allocation among the military departments or combatant
21 commands of the number of personnel permissible under
22 subsection (a) either shall result in a cost savings or is
23 necessary to eliminate a contract associated with an inher-
24 ently governmental function (including cost savings or the
25 elimination of a contract resulting from guidelines and
26 procedures prescribed pursuant to section 343 of the Na-

1 tional Defense Authorization Act for Fiscal Year 2006
2 (Public Law 109–163)), the Secretary of Defense shall
3 waive such limitation or make such reallocation to the ex-
4 tent necessary to achieve the cost savings or to eliminate
5 the contract.”.

6 **SEC. 903. FLEXIBILITY TO ADJUST THE NUMBER OF ARMY**
7 **DEPUTY CHIEFS OF STAFF AND ASSISTANT**
8 **CHIEFS OF STAFF.**

9 Section 3035(b) of title 10, United States Code, is
10 amended to read as follows:

11 “(b) The Secretary of the Army shall prescribe the
12 number of Deputy Chiefs of Staff and Assistant Chiefs
13 of Staff, for a total of not more than eight positions.”.

14 **Subtitle B—Chemical**
15 **Demilitarization Program**

16 **SEC. 911. CHANGE IN TERMINATION REQUIREMENT FOR**
17 **CHEMICAL DEMILITARIZATION CITIZENS’ AD-**
18 **VISORY COMMISSIONS.**

19 Section 172 of the National Defense Authorization
20 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
21 2341) is amended—

22 (1) in subsections (b), (f), and (g), by striking
23 “Assistant Secretary of the Army (Research, Devel-
24 opment, and Acquisition)” and inserting “Assistant

1 Secretary of the Army (Acquisition, Logistics, and
2 Technology)”; and

3 (2) in subsection (h), by striking “after the
4 stockpile located in that commission’s State has been
5 destroyed” and inserting “after closure activities re-
6 quired pursuant to regulations promulgated by the
7 Administrator of the Environmental Protection
8 Agency pursuant to the Solid Waste Disposal Act
9 (42 U.S.C. 6901 et seq.) have been completed for
10 the chemical agent destruction facility in the com-
11 mission’s State, or upon the request of the Governor
12 of the commission’s State, whichever occurs first”.

13 **Subtitle C—Intelligence-Related** 14 **Matters**

15 **SEC. 921. REPEAL OF STANDARDS OF MANDATORY DIS-**
16 **QUALIFICATION FROM ELIGIBILITY FOR DE-**
17 **PARTMENT OF DEFENSE SECURITY CLEAR-**
18 **ANCE.**

19 Section 986 of title 10, United States Code, is re-
20 pealed.

1 **SEC. 922. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
2 **STATES CODE, ARISING FROM ENACTMENT**
3 **OF THE INTELLIGENCE REFORM AND TER-**
4 **RORISM PREVENTION ACT OF 2004.**

5 (a) REFERENCES TO HEAD OF INTELLIGENCE COM-
6 MUNITY.—Title 10, United States Code, is amended by
7 striking “Director of Central Intelligence” each place it
8 appears in the following provisions and inserting “Director
9 of National Intelligence”:

10 (1) Section 192(c)(2).

11 (2) Section 193(d)(2).

12 (3) Section 193(e).

13 (4) Section 201(a).

14 (5) Section 201(b)(1).

15 (6) Section 201(c)(1).

16 (7) Section 425(a).

17 (8) Section 426(a)(3).

18 (9) Section 426(b)(2).

19 (10) Section 441(c).

20 (11) Section 441(d).

21 (12) Section 443(d).

22 (13) Section 2273(b)(1).

23 (14) Section 2723(a).

24 (b) REFERENCES TO HEAD OF CENTRAL INTEL-
25 LIGENCE AGENCY.—Such title is further amended by
26 striking “Director of Central Intelligence” each place it

1 appears in the following provisions and inserting “Director
2 of the Central Intelligence Agency”:

3 (1) Section 431(b)(1).

4 (2) Section 444.

5 (c) OTHER AMENDMENTS.—Section 201 of such title
6 is further amended—

7 (1) in subsection (b), by amending paragraph
8 (1) to read as follows:

9 “(1) In the event of a vacancy in a position re-
10 ferred to in paragraph (2), before appointing an in-
11 dividual to fill the vacancy or recommending to the
12 President an individual to be nominated to fill the
13 vacancy, the Secretary of Defense shall obtain the
14 concurrence of the Director of National Intelligence
15 as provided in section 106(b) of the National Secu-
16 rity Act of 1947 (50 U.S.C. 403–6(b)).”; and

17 (2) in subsection (c), by striking “National For-
18 eign Intelligence Program” and inserting “National
19 Intelligence Program”.

20 **SEC. 923. PROTECTION OF INFORMATION REGARDING**
21 **WEAPONS OF MASS DESTRUCTION.**

22 (a) PROHIBITION FROM DISCLOSURE UNDER FREE-
23 DOM OF INFORMATION ACT.—Information in the posses-
24 sion of the Department of Defense concerning weapons of
25 mass destruction, as defined in subsection (d) of this sec-

1 tion, shall not be disclosed under section 552 of title 5,
2 United States Code (commonly referred to as the Freedom
3 of Information Act (FOIA)) for the period of time the sen-
4 sitivity of the information can be reasonably confirmed.
5 Any information controlled under the Atomic Energy Act
6 of 1954, as amended, is exempt from the provisions of this
7 Act. This exemption shall be implemented in a manner
8 so as to not unduly restrict the public's current level of
9 access to environmental impact statements, records con-
10 cerning healthcare activities, or other information essen-
11 tial to inform official decision-making concerning the
12 health and safety of the public.

13 (b) REQUIREMENT FOR SAFEGUARDING.—The De-
14 partment of Defense shall safeguard information con-
15 cerning weapons of mass destruction commensurate with
16 the sensitivity of the information concerned and shall take
17 all reasonable actions to ensure parties outside the Federal
18 government with whom the Department shares such infor-
19 mation safeguard it in the same manner.

20 (c) APPLICATION OF STATE OR LOCAL DISCLOSURE
21 LAWS.—Information subject to this section that the De-
22 partment has provided to state and local authorities shall
23 not be made available pursuant to any state or local law
24 requiring disclosure of information or records.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “weapon of mass destruction” has
2 the same meaning as given in the Defense Against
3 Weapons of Mass Destruction Act of 1996 (50
4 U.S.C. 2302).

5 (2) The term “information concerning weapons
6 of mass destruction” means information that—

7 (A) would assist in developing, producing,
8 or using weapons of mass destruction or in
9 evading the detection or the monitoring of the
10 development, production, use, or presence of
11 weapons of mass destruction; or

12 (B) would disclose a vulnerability to the ef-
13 fects of a weapon of mass destruction; and

14 (C) has been determined to be currently
15 sensitive by an official designated as an Initial
16 Denial Authority for the Department of De-
17 fense component concerned pursuant to Depart-
18 ment of Defense Directive 5400.7–R, “DoD
19 Freedom of Information Act Program”, Sep-
20 tember 1998, or successor directive.

21 Examples of such information could include informa-
22 tion that remains current and sensitive, such as but
23 not limited to, formulas and design descriptions of
24 lethal and incapacitating materials; maps, designs,
25 security/emergency response plans, and vulnerability

1 assessments for facilities containing weapons of
2 mass destruction materials; studies of the effects
3 and possible methods of weaponization of weapons of
4 mass destruction materials; design details, capabili-
5 ties, and application of detection, surveillance, coun-
6 termeasures, and measurement equipment or plans;
7 United States Government evaluations of response
8 plans of state and local governments; and evaluation
9 of weapons of mass destruction dispersal systems or
10 methods.

11 (e) REPORTING.—Ninety days following the one-year
12 anniversary of the effective date of this section, the De-
13 partment of Defense will provide to the Department of
14 Justice and the Office of Management and Budget a re-
15 port detailing the number of FOIA requests received for
16 information covered under this section, a description of
17 the information requested, and specific actions taken as
18 a result of the request.

19 **TITLE X—GENERAL PROVISIONS**
20 **Subtitle A—Financial Matters**

21 **SEC. 1001. SHORT-TERM INVESTMENT OF BURDEN SHAR-**
22 **ING CONTRIBUTIONS FROM REPUBLIC OF**
23 **KOREA.**

24 Section 2350j(b) of title 10, United States Code, is
25 amended—

1 (1) by striking “Contributions” and inserting
2 “(1) Contributions”; and

3 (2) by inserting at the end the following new
4 paragraph:

5 “(2) The Secretary of Defense may authorize
6 the deposit of contributions accepted under sub-
7 section (a) from the Republic of Korea in Korean
8 Won into an account that is interest bearing if the
9 contributions are invested in treasury obligations of
10 the Republic of Korea of not more than six months
11 maturity. Interest received on such accounts shall be
12 treated the same as the contributions on which the
13 interest was earned and shall be available for the
14 same purpose as those contributions.”.

15 **SEC. 1002. INCREASE LIMITATION ON ADVANCE BILLING OF**
16 **WORKING CAPITAL FUND CUSTOMERS.**

17 Section 2208(l)(3) of title 10, United States Code,
18 is amended by striking “\$1,000,000,000” and inserting
19 “\$2,000,000,000”.

20 **Subtitle B—Policy Relating to**
21 **Vessels and Shipyards**

22 **SEC. 1011. TEMPORARY WAIVER OF THE MINIMUM AIR-**
23 **CRAFT CARRIER REQUIREMENT.**

24 Section 5062(b) of title 10, United States Code, is
25 amended by inserting after the first sentence the following

1 new sentence: “Notwithstanding the preceding sentence or
2 any other provision of law, the naval combat forces of the
3 Navy may include less than 11 operational aircraft car-
4 riers for the period of time between the decommissioning
5 of the USS ENTERPRISE (CVN 65) and the commis-
6 sioning of the CVN 78.”.

7 **Subtitle C—Counter-Drug** 8 **Activities**

9 **SEC. 1021. USE OF FUNDS FOR COUNTER-DRUG AND** 10 **COUNTER-TERRORISM.**

11 Section 1022(b) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
13 Stat. 1594), as amended by section 1022 of the National
14 Defense Authorization Act for Fiscal Year 2006 (Public
15 Law 109–163; 119 Stat. 3427), is further amended by
16 striking “fiscal years 2006 and 2007” and inserting “fis-
17 cal year 2008”.

18 **Subtitle D—Matters Related to** 19 **Homeland Security**

20 **SEC. 1031. SUPPORT TO NATIONAL SPECIAL SECURITY** 21 **EVENTS AND OTHER CRITICAL NATIONAL SE-** 22 **CURITY ACTIVITIES.**

23 (a) IN GENERAL.—Chapter 1 of title 32, United
24 States Code, is amended by adding at the end the fol-
25 lowing new section:

1 **“§ 116. Defense support of civil authorities**

2 “(a) IN GENERAL.—At the request of a Federal de-
3 partment or agency head, and when authorized by the Sec-
4 retary of Defense, the Governor of a State may employ
5 under this title units or members of the National Guard
6 of that State to provide defense support of civil authorities
7 to the requesting Federal department or agency, as speci-
8 fied in subsection (c). Subject to the exceptions in sub-
9 sections (d), the costs incurred by the National Guard
10 shall be reimbursed to the Department of Defense from
11 the appropriations available to the Federal department or
12 agency to which the support was provided. This reimburse-
13 ment will include the costs of—

14 “(1) the pay, allowances, clothing, subsistence,
15 gratuities, travel, and related expenses of personnel
16 of the National Guard of that State;

17 “(2) the operation and maintenance of the
18 equipment and facilities of the National Guard of
19 that State; and

20 “(3) the procurement of services and equip-
21 ment, and the leasing of equipment, for the National
22 Guard of that State.

23 “(b) CREDITING OF RECEIPTS.—Any funds received
24 by the Department of Defense as reimbursement for sup-
25 port provided by units or members of the National Guard

1 under this section shall be credited, at the option of the
2 Secretary of Defense, to:

3 “(1) the appropriation, fund, or account to fund
4 the support; or

5 “(2) the appropriate appropriation, fund, or ac-
6 count currently available for such purpose.

7 “(c) ACTIVITIES INCLUDED.—Defense support of
8 civil authorities activities authorized by subsection (a) in-
9 clude support provided for National Special Security
10 Events and other activities determined by the Secretary
11 of Defense as being critical to national security such as:

12 “(1) Ground reconnaissance activities;

13 “(2) Airborne reconnaissance activities;

14 “(3) Logistical support;

15 “(4) Emergency medical assistance and serv-
16 ices;

17 “(5) Communications services;

18 “(6) Security assistance and services; and

19 “(7) Air and ground transportation.

20 “(d) WAIVER OF REIMBURSEMENT.—A Federal de-
21 partment or agency to which support is provided under
22 this chapter is not required to reimburse the Department
23 of Defense for such support if the Secretary of Defense
24 waives reimbursement. The Secretary of Defense may

1 waive the reimbursement requirement under this section
2 if—

3 “(1) the support is provided in the normal
4 course of military training or operations; or

5 “(2) the support provided results in a benefit to
6 units or members of the National Guard providing
7 the support that is substantially equivalent to that
8 which would otherwise be obtained from military op-
9 erations or training.

10 “(e) REQUIREMENTS FOR REQUESTS.—Requests for
11 assistance from Federal departments or agencies under
12 this section shall be submitted to the Secretary of Defense.
13 Any such request shall include the following:

14 “(1) The specific support capability requested.

15 “(2) The duration of the requested support ac-
16 tivities.

17 “(3) A certification that the requested support
18 activities will be fully reimbursable.

19 “(4) A certification from the Governor of the
20 involved State(s) that the requested support will be
21 provided at a time when the personnel involved are
22 not in Federal service.

23 “(f) CHARACTERIZATION OF SERVICE.—All duty per-
24 formed under this section shall be considered to be full-

1 time National Guard duty under section 502(f) of this
2 title.

3 “(g) DURATION.—The period for which support may
4 be provided to a Federal department or agency under this
5 section shall be limited to 180 days. When requested by
6 the head of a Federal department or agency, the Secretary
7 of Defense may, with the concurrence of the Governor of
8 the State, extend the period of time for an additional 90
9 days to meet extraordinary circumstances.

10 “(h) TRAINING AND BENEFITS.—A member of the
11 National Guard performing duty under this section shall,
12 in addition to performing such duty, participate in the
13 training required under section 502(a) of this title. The
14 pay, allowances, and other benefits of the member while
15 participating in the training shall be the same as those
16 to which the member is entitled while performing the duty
17 under this chapter. The member is not entitled to addi-
18 tional pay, allowances, or other benefits for participation
19 in training required under section 502(a)(1) of this title.

20 “(i) TRAINING LIMITATIONS.—To ensure that the
21 use of units and personnel of the National Guard of a
22 State for activities specified in subsections (a) and (b) of
23 this section does not degrade the training and readiness
24 of such units and personnel, the following requirements

1 shall apply in determining the activities that units and
2 personnel of the National Guard of a State may perform:

3 “(1) The performance of the activities is not to
4 affect adversely the quality of that training or other-
5 wise interfere with the ability of a member or unit
6 of the National Guard to perform the military func-
7 tions of the member or unit.

8 “(2) The performance of the activities is not to
9 degrade the military skills of the members of the
10 National Guard performing those activities.

11 “(j) SUPPORT EXCLUDED.—Defense support of civil
12 authorities activities conducted under authority of this
13 section may not be provided if the provision of such sup-
14 port will affect adversely the military preparedness of the
15 United States.

16 “(k) RELATIONSHIP TO OTHER AUTHORITIES.—
17 Nothing in this chapter shall be construed as a limitation
18 on the authority of any unit of the National Guard of a
19 State, when such unit is not in Federal service, to perform
20 functions authorized to be performed by the National
21 Guard by the laws of the State concerned.

22 “(l) DEFINITIONS.—For purposes of this section:

23 “(1) The term ‘State’ means each of the several
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, Guam or the Virgin Islands.

1 “(2) The term ‘National Special Security
2 Event’ means an event designated as such as au-
3 thorized by the President that, by virtue of its polit-
4 ical, economic, social, or religious significance, may
5 be the target of terrorism or other criminal activ-
6 ity.”.

7 (b) CLERICAL AND CONFORMING AMENDMENTS.—

8 (1) The table of sections at the beginning of
9 such chapter is amended by adding at the end the
10 following new item:

“116. Defense support of civil authorities.”.

11 (2) Section 115 of title 10, United States Code,
12 is amended—

13 (A) by redesignating subsection (i) (the
14 second place it appears) as subsection (j); and

15 (B) in subsection (j), as redesignated, by
16 inserting “or defense support of civil authorities
17 under section 116” after “chapter 9”.

18 **Subtitle E—Other Matters**

19 **SEC. 1041. PROTECTION OF DEPARTMENT OF DEFENSE** 20 **PERSONS DESIGNATED BY THE SECRETARY** 21 **OF DEFENSE.**

22 Section 2674(b)(1) of title 10, United States Code,
23 is amended—

24 (1) in the matter preceding subparagraph (A),
25 by inserting after the first sentence the following

1 new sentence: “In addition, the Secretary may au-
2 thorize such law enforcement and security personnel
3 to provide for the physical security and protection of
4 Department of Defense personnel and others entitled
5 to federal protection from assault and other crimes
6 of violence under federal statutes, within or outside
7 the United States, when threat conditions cause the
8 Secretary to determine that such protection is nec-
9 essary for reasons of national security.”;

10 (2) in subparagraph (A), by striking “status;
11 and” and inserting “status within or outside the
12 United States;”;

13 (3) by striking the period at the end of sub-
14 paragraph (B) and inserting “; and”; and

15 (4) by adding at the end the following new sub-
16 paragraphs:

17 “(C) may, when providing for the physical
18 security and protection of persons under this
19 section, make arrests without a warrant for vio-
20 lations of the United States Code committed in
21 their presence to the extent otherwise author-
22 ized by law.

23 “(D) Nothing in paragraph (1) shall be
24 construed to preclude or limit, in any way, the
25 implied or inherent powers of the Secretary of

1 Defense, the duties and authorities of the
2 United States Department of State, United
3 States Secret Service or any other Federal law
4 enforcement agency.

5 “(E) The powers granted to law enforce-
6 ment and security personnel under paragraph
7 (1), who provide for the physical security and
8 protection of Department of Defense personnel
9 entitled to federal protection from assault and
10 other crimes of violence under federal statutes,
11 shall be exercised only in accordance with
12 guidelines approved by the Secretary and the
13 Attorney General; said powers shall be exercised
14 with the concurrence of the Department of
15 State to the extent they are exercised outside
16 the United States.”.

17 **SEC. 1042. CANCELLATION OF USE OF AIRCRAFT FOR PRO-**
18 **FICIENCY FLYING: LIMITATION.**

19 (a) IN GENERAL.—Section 2245 of title 10, United
20 States Code, is repealed.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of subchapter 1 of chapter 134 of such
23 title is amended by striking the item relating to section
24 2245.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on October 1, 2007.

3 **SEC. 1043. PROMPT CONVERSION OF ARMY FORCES IN HA-**
4 **WAI.**

5 (a) FINDING.—The Congress finds that the conver-
6 sion in Hawaii of the 2nd Brigade of the 25th Infantry
7 Division to a Stryker Brigade Combat Team is necessary
8 to the national defense, supports U.S. foreign policy, and
9 conforms to prior direction of Congress with regard to the
10 reorganization of the Army into a more effective fighting
11 force.

12 (b) CONVERSION.—The Secretary of the Army shall
13 convert the 2nd Brigade of the 25th Infantry Division to
14 a Stryker Brigade Combat Team, at its current location,
15 and such conversion shall proceed to completion notwith-
16 standing any other provision of law.

17 **SEC. 1044. EXPAND COOPERATIVE AGREEMENT AUTHORITY**
18 **FOR MANAGEMENT OF CULTURAL RE-**
19 **SOURCES TO INCLUDE OFF-INSTALLATION**
20 **MITIGATION.**

21 (a) EXPANDED AUTHORITY.—Section 2684(a) of
22 title 10, United States Code, is amended to read as fol-
23 lows:

24 “(a) AUTHORITY.—(1) The Secretary of Defense or
25 the secretary of a military department may enter into a

1 cooperative agreement with a State, local or tribal govern-
2 ment or other entity—

3 “(A) for the preservation, management, mainte-
4 nance, and improvement of cultural resources; and

5 “(B) for the conduct of research regarding cul-
6 tural resources.

7 “(2) Such cultural resources must be located—

8 “(A) on a military installation; or

9 “(B) off a military installation, but only if the
10 cooperative agreement directly relieves or eliminates
11 current or anticipated restrictions that would or
12 might restrict, impede, or otherwise interfere, wheth-
13 er directly or indirectly, with current or anticipated
14 military training, testing, or operations on the in-
15 stallation.

16 “(3) Activities under the cooperative agreement shall
17 be subject to the availability of funds to carry out the co-
18 operative agreement.”.

19 (b) EXPANDED DEFINITION.—Subsection (c) of such
20 section is amended by adding at the end the following new
21 paragraph:

22 “(5) An Indian sacred site, as that term is de-
23 fined in section 1(b)(iii) of Executive Order 13007.”.

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

3 **SEC. 1101. INCREASE IN AUTHORIZED NUMBER OF DE-**
4 **FENSE INTELLIGENCE SENIOR EXECUTIVE**
5 **SERVICE EMPLOYEES.**

6 Section 1606(a) of title 10, United States Code, is
7 amended by striking “594” and inserting “644 in fiscal
8 year 2008 and 694 in fiscal year 2009”.

9 **TITLE XII—MATTERS RELATING**
10 **TO FOREIGN NATIONS**
11 **Subtitle A—Assistance and**
12 **Training**

13 **SEC. 1201. PROVISION OF SUPPORT AND SERVICES TO FOR-**
14 **EIGN MILITARY AND STATE AIRCRAFT.**

15 (a) IN GENERAL.—(1) Section 9626 of title 10,
16 United States Code, is amended to read as follows:

17 **“§ 9626. Aircraft supplies and services: foreign mili-**
18 **tary or other foreign state aircraft**

19 “(a) AUTHORITY.—The Secretary of the Air Force,
20 under such regulations as he may prescribe, may provide
21 any of the following supplies or services, when in the best
22 interests of the United States, on a reimbursable basis
23 without an advance of funds if similar supplies and serv-
24 ices are furnished on a like basis to military aircraft and

1 other state aircraft of the United States by the foreign
2 country concerned:

3 “(1) Routine airport services, including landing
4 and takeoff assistance, servicing aircraft with fuel,
5 use of runways, parking and servicing, baggage and
6 cargo loading and unloading, to military and other
7 state aircraft of foreign countries.

8 “(2) Miscellaneous supplies, including Air
9 Force-owned fuel, provisions, spare parts, and gen-
10 eral stores, but not including ammunition, to mili-
11 tary and other state aircraft of foreign countries.

12 “(b) ROUTINE AIRPORT SERVICES.—(1) Routine air-
13 port services may be furnished under this section at no
14 cost to the foreign country concerned where such services
15 are provided by United States Air Force personnel and
16 equipment without direct cost to the Air Force.

17 “(2) When furnishing routine airport services
18 under this section to military or other state aircraft
19 of a foreign country, the Secretary may furnish such
20 services without reimbursement if such services are
21 provided under an agreement that provides for the
22 reciprocal furnishing by such country of routine air-
23 port services to military and other state aircraft of
24 the United States without reimbursement.

1 “(3) If routine airport services are furnished
 2 under this section by a working-capital fund activity
 3 of the Air Force established under section 2208 of
 4 this title and such activity is not reimbursed directly
 5 for the costs incurred by the activity in furnishing
 6 those services by reason of paragraph (2), the work-
 7 ing-capital fund activity shall be reimbursed for such
 8 costs out of operating funds currently available to
 9 the Air Force.”.

10 (2) The table of sections at the beginning of
 11 chapter 939 of such title is amended by striking the
 12 item relating to section 9626 and inserting the fol-
 13 lowing new item:

“9626. Aircraft supplies and services: foreign military or other foreign state air-
 craft.”.

14 (b) CONFORMING AMENDMENT.—Section 9629(3) of
 15 such title is amended by striking “of a foreign military
 16 or air attaché”.

17 **Subtitle B—Nonproliferation**
 18 **Matters and Countries of Concern**

19 **SEC. 1211. REPEAL OF CERTAIN LAWS PERTAINING TO THE**
 20 **JOINT COMMITTEE FOR THE REVIEW OF**
 21 **COUNTERPROLIFERATION PROGRAMS.**

22 (a) JOINT COMMITTEE FOR THE REVIEW OF
 23 COUNTERPROLIFERATION PROGRAMS OF THE UNITED
 24 STATES.—Section 1605 of the National Defense Author-

1 ization Act for Fiscal Year 1994 (title XVI of Public Law
2 103–160; 22 U.S.C. 2751 note) is repealed.

3 (b) REPORTS ON COUNTERPROLIFERATION ACTIVI-
4 TIES AND PROGRAMS.—Section 1503 of the National De-
5 fense Authorization Act for Fiscal Year 1995 (title XV
6 of Public Law 103–337; 22 U.S.C. 2751 note) is repealed.

7 **Subtitle C—Other Matters**

8 **SEC. 1221. AMENDMENT TO THE COMPOSITION OF THE**
9 **BOARD OF VISITORS OF THE WESTERN HEMI-**
10 **SPHERE INSTITUTE FOR SECURITY CO-**
11 **OPERATION.**

12 Section 2166(e)(1)(F) of title 10, United States
13 Code, is amended to read as follows:

14 “(F) The commanders of the combatant
15 commands having geographic responsibilities for
16 the Western Hemisphere, or designees of those
17 officers.”.

18 **TITLE XIII—MATTERS RELATED** 19 **TO DEFENSE AGAINST TER-** 20 **RORISM AND RELATED SECU-** 21 **RITY MATTERS**

22 **SEC. 1301. RATIONALIZING REWARDS FOR ASSISTANCE IN**
23 **COMBATING TERRORISM.**

24 Section 127b of title 10, United States Code, is
25 amended—

1 (1) in subsection (b), by striking “\$200,000”
2 and inserting “\$5,000,000”;

3 (2) in subsection (c)(1)(B), by striking
4 “\$50,000” and inserting “\$1,000,000”; and

5 (3) in subsection (d)(2), by striking
6 “\$100,000” and inserting “\$2,000,000”.

7 **TITLE XIV—ADDITIONAL AU-**
8 **THORIZATIONS FOR IN-**
9 **CREASED COSTS DUE TO THE**
10 **GLOBAL WAR ON TERROR**
11 **FOR MILITARY ACTIVITIES**
12 **AND MILITARY CONSTRUC-**
13 **TION FOR FISCAL YEAR 2008**

14 **SEC. 1401. ARMY PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2008 for procurement for the Army as follows:

17 (1) For aircraft, \$1,900,306,000.

18 (2) For missiles, \$492,734,000.

19 (3) For weapons and tracked combat vehicles,
20 \$4,780,172,000.

21 (4) For ammunition, \$313,000,000.

22 (5) For other procurement, \$13,630,977,000.

1 **SEC. 1402. NAVY AND MARINE CORPS PROCUREMENT.**

2 (a) NAVY.—Funds are hereby authorized to be appro-
3 priated for fiscal year 2008 for procurement for the Navy
4 as follows:

5 (1) For aircraft, \$3,099,958,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$251,281,000.

8 (3) For other procurement, \$793,311,000.

9 (b) MARINE CORPS.—Funds are hereby authorized to
10 be appropriated for fiscal year 2008 for procurement for
11 the Marine Corps in the amount of \$2,462,140,000.

12 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
13 are hereby authorized to be appropriated for fiscal year
14 2008 for procurement of ammunition for the Navy and
15 Marine Corps in the amount of \$590,090,000.

16 **SEC. 1403. AIR FORCE PROCUREMENT.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2008 for procurement for the Air Force as fol-
19 lows:

20 (1) For aircraft, \$3,336,809,000.

21 (2) For ammunition, \$74,005,000.

22 (3) For missiles, \$1,800,000.

23 (4) For other procurement, \$3,760,206,000.

1 **SEC. 1404. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2008 for Defense-wide procurement in the
4 amount of \$469,768,000.

5 **SEC. 1405. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
6 **FUND.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2008 for the Joint Improvised Explosive Device
9 Defeat Fund in the amount of \$4,000,000,000.

10 **SEC. 1406. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
11 **TION.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2008 for the use of the Department of Defense
14 for research, development, test, and evaluation, as follows:

15 (1) For the Army, \$141,653,000.

16 (2) For the Navy, \$618,428,000.

17 (3) For the Air Force, \$1,369,781,000.

18 (4) For Defense-wide activities, \$727,498,000.

19 **SEC. 1407. OPERATION AND MAINTENANCE FUNDING.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2008 for the use of the Armed Forces and other
22 activities and agencies of the Department of Defense, for
23 expenses, not otherwise provided for, for operation and
24 maintenance, in amounts as follows:

25 (1) For the Army, \$46,230,964,000.

26 (2) For the Navy, \$5,426,407,000.

- 1 (3) For the Marine Corps, \$4,013,093,000.
- 2 (4) For the Air Force, \$10,536,330,000.
- 3 (5) For the Defense-wide activities,
4 \$6,098,990,000.
- 5 (6) For the Army Reserve, \$158,410,000.
- 6 (7) For the Navy Reserve, \$69,598,000.
- 7 (8) For the Marine Corps Reserve, \$68,000,000
- 8 (9) For the Army National Guard,
9 \$466,150,000.
- 10 (10) For the Air National Guard, \$31,168,000.

11 **SEC. 1408. WORKING CAPITAL FUNDS.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2008 for the use of the Armed Forces and other
14 activities and agencies of the Department of Defense for
15 providing capital for working capital and revolving funds
16 in amounts as follows:

- 17 (1) For the Defense Working Capital Funds,
18 \$1,676,275,000.
- 19 (2) For the National Defense Sealift Fund,
20 \$5,110,000.

21 **SEC. 1409. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

22 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
23 by authorized to be appropriated for the Department of
24 Defense for fiscal year 2008 for expenses, not otherwise
25 provided for, for the Defense Health Program, in the

1 amount of \$1,022,842,000 is for Operation and Mainte-
2 nance.

3 (b) DRUG INTERDICTION AND COUNTER-DRUG AC-
4 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
5 to be appropriated for the Department of Defense for fis-
6 cal year 2008 for expenses, not otherwise provided for, for
7 Drug Interdiction and Counter-Drug Activities, Defense-
8 wide, in the amount of \$257,618,000.

9 (c) DEFENSE INSPECTOR GENERAL.—Funds are
10 hereby authorized to be appropriated for the Department
11 of Defense for fiscal year 2008 for expenses, not otherwise
12 provided for, for the Office of the Inspector General of
13 the Department of Defense, in the amount of \$4,394,000,
14 is for Operation and Maintenance.

15 **SEC. 1410. IRAQ FREEDOM FUND.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2008 for the Iraq Freedom Fund in the amount
18 of \$107,500,000.

19 **SEC. 1411. AFGHANISTAN SECURITY FORCES FUND.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2008 for the Afghanistan Security Forces Fund
22 in the amount of \$2,700,000,000.

1 **SEC. 1412. IRAQ SECURITY FORCES FUND.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2008 for the Iraq Security Forces Fund in the
4 amount of \$2,000,000,000.

5 **SEC. 1413. ADDITIONAL END STRENGTHS FOR ACTIVE**
6 **FORCES.**

7 In addition to the end strengths authorized in section
8 401 of this Act, the Armed Forces are authorized addi-
9 tional strengths for active duty personnel as of September
10 30, 2008, as follows:

11 (1) The Army, 36,000.

12 (2) The Marine Corps, 9,000.

13 **SEC. 1414. MILITARY PERSONNEL.**

14 This section would authorize an additional
15 \$17,070,263,000 for military personnel.

16 **SEC. 1415. AUTHORIZED ARMY CONSTRUCTION AND LAND**
17 **ACQUISITION PROJECTS.**

18 Using amounts appropriated pursuant to the author-
19 ization of appropriations in section 1415(1), the Secretary
20 of the Army may acquire real property and carry out mili-
21 tary construction projects for the installations or locations
22 outside the United States, and in the amounts set forth
23 in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	103,000,000
Iraq	Camp Adder	80,650,000

Army: Outside the United States—Continued

Country	Installation or Location	Amount
	Al Asad	86,100,000
	Camp Anaconda	88,200,000
	Fallujah	880,000
	Camp Marez	880,000
	Mosul	43,000,000
	Q-West	26,000,000
	Camp Ramadi	880,000
	Seania	5,000,000
	Camp Speicher	103,700,000
	Camp Taqqadum	880,000
	Tikrit	43,000,000
	Camp Victory	34,400,000
	Camp Warrior	880,000
	Various Locations	102,000,000
	Total	719,450,000

1 **SEC. 1416. MILITARY CONSTRUCTION AUTHORIZATION OF**
2 **APPROPRIATIONS, ARMY.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2007, for mili-
5 tary construction, land acquisition, and military family
6 housing functions of the Department of the Army in the
7 total amount of \$738,850,000 as follows:

8 (1) For military construction projects outside
9 the United States authorized by section 607(a),
10 \$719,450,000.

11 (2) For architectural and engineering services
12 and construction design under section 2807 of title
13 10, United States Code, \$19,400,000.

14 **SEC. 1417. AUTHORIZED NAVY CONSTRUCTION AND LAND**
15 **ACQUISITION PROJECTS.**

16 Using amounts appropriated pursuant to the author-
17 ization of appropriations in section 1417(1), the Secretary

1 of the Navy may acquire real property and carry out mili-
 2 tary construction projects for the installations or locations
 3 inside the United States, and in the amounts set forth
 4 in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	102,034,000
	Twenty-Nine Palms	4,440,000
North Carolina	Camp Lejeune	43,340,000
	Total	149,814,000

5 **SEC. 1418. MILITARY CONSTRUCTION AUTHORIZATION OF**
 6 **APPROPRIATIONS, NAVY.**

7 Subject to section 2825 of title 10, United States
 8 Code, funds are hereby authorized to be appropriated for
 9 fiscal years beginning after September 30, 2007, for mili-
 10 tary construction, land acquisition, and military family
 11 housing functions of the Department of the Navy in the
 12 total amount of \$169,071,000, as follows:

13 (1) For military construction projects inside the
 14 United States authorized by section 2201(a),
 15 \$149,814,000.

16 (2) For architectural and engineering services
 17 and construction design under section 2807 of title
 18 10, United States Code, \$7,491,000.

19 (3) For construction and acquisition, planning
 20 and design, and improvement of military family
 21 housing and facilities, \$11,766,000.

1 **DIVISION B—MILITARY CON-**
 2 **STRUCTION AUTHORIZA-**
 3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-
 6 tion Authorization Act for Fiscal Year 2008”.

7 **TITLE XXI—ARMY**

8 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 9 **ACQUISITION PROJECTS.**

10 (a) **INSIDE THE UNITED STATES.**—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2104(a)(1), the Secretary of the Army
 13 may acquire real property and carry out military construc-
 14 tion projects for the installations or locations inside the
 15 United States, and in the amounts, set forth in the fol-
 16 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	26,000,000
Alaska	Fort Wainwright	74,000,000
Arizona	Fort Huachuca	11,000,000
California	Fort Irwin	24,000,000
	Presidio, Monterey	28,000,000
Colorado	Fort Carson	14,200,000
Delaware	Dover Air Force Base	17,500,000
Florida	Eglin Air Force Base	66,000,000
	Miami Doral	237,000,000
Georgia	Fort Benning	185,800,000
	Fort Stewart/Hunter Army Air Field	62,000,000
Hawaii	Fort Shafter	31,000,000
	Schofield Barracks	88,000,000
	Wheeler Army Air Field	51,000,000
Kansas	Fort Leavenworth	55,000,000
	Fort Riley	28,000,000
Kentucky	Fort Campbell	54,000,000
	Fort Knox	6,700,000
Missouri	Fort Leonard Wood	7,800,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Nevada	Hawthorne Army Ammunition Plant	11,800,000
New York	Fort Drum	151,000,000
North Carolina	Fort Bragg	55,800,000
Oklahoma	Fort Sill	2,900,000
Texas	Camp Bullis	1,600,000
	Fort Hood	47,000,000
	Fort Sam Houston	1,950,000
	Red River Army Depot	9,200,000
Virginia	Fort Belvoir	13,000,000
Washington	Fort Lewis	5,000,000
	Yakima Training Center	29,000,000
	Total	1,395,250,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Afghanistan	13,800,000
Bulgaria	Nevo Selo FOS	61,000,000
Germany	Grafenwoehr	62,000,000
Honduras	Honduras Various Locations	2,550,000
Italy	Vicenza	173,000,000
Korea	Camp Humphreys	57,000,000
Romania	Romania Various Locations	12,600,000
	Total	381,950,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
9 appropriated pursuant to the authorization of appropria-
10 tions in section 2104(a)(3), the Secretary of the Army
11 may acquire real property and carry out military construc-

1 tion projects for unspecified installations or locations in
 2 the amount set forth in the following table:

Army: Unspecified Worldwide

Location	Installation or Location	Amount
Unspecified Worldwide	Grow the Force	1,608,129,000
	Total	1,608,129,000

3 **SEC. 2102. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using
 5 amounts appropriated pursuant to the authorization of ap-
 6 propriations in section 2104(a)(6)(A), the Secretary of the
 7 Army may construct or acquire family housing units (in-
 8 cluding land acquisition and supporting facilities) at the
 9 installations or locations, in the number of units, and in
 10 the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Lo- cation	Purpose	Amount
Germany	Ansbach	138 Units	52,000,000
		Total	52,000,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-
 12 priated pursuant to the authorization of appropriations in
 13 section 2104(a)(6)(A), the Secretary of the Army may
 14 carry out architectural and engineering services and con-
 15 struction design activities with respect to the construction
 16 or improvement of family housing units in an amount not
 17 to exceed \$2,000,000.

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2104(a)(6)(A),
6 the Secretary of the Army may improve existing military
7 family housing units in an amount not to exceed
8 \$365,400,000.

9 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
11 are hereby authorized to be appropriated for fiscal years
12 beginning after September 30, 2007, for military con-
13 struction, land acquisition, and military family housing
14 functions of the Department of the Army in the total
15 amount of \$5,201,517,000 as follows:

16 (1) For military construction projects inside the
17 United States authorized by section 2101(a),
18 \$1,395,250,000.

19 (2) For military construction projects outside
20 the United States authorized by section 2101(b),
21 \$381,950,000.

22 (3) For military construction projects at un-
23 specified worldwide locations authorized by section
24 2101(c), \$1,608,129,000.

1 (4) For unspecified minor military construction
2 projects authorized by section 2805 of title 10,
3 United States Code, \$23,000,000.

4 (5) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$481,468,000.

7 (6) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$419,400,000.

11 (B) For support of military family housing
12 (including the functions described in section
13 2833 of title 10, United States Code),
14 \$742,920,000.

15 (7) For the construction of increment 3 of a
16 barracks complex at Fort Bragg, North Carolina,
17 authorized by section 2101(a) of the Military Con-
18 struction Authorization Act for Fiscal Year 2006
19 (division B of Public Law 109–163; 119 Stat.
20 3485), \$47,400,000.

21 (8) For the construction of increment 2 of a
22 barracks complex at Fort Lewis, Washington, au-
23 thorized by section 2101(a) of the Military Construc-
24 tion Authorization Act for Fiscal Year 2007 (divi-

1 sion B of Public Law 109–364; 120 Stat. 2445),
2 \$102,000,000.

3 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
4 PROJECTS.—Notwithstanding the cost variations author-
5 ized by section 2853 of title 10, United States Code, or
6 any other cost variation authorized by law, the total cost
7 of all projects carried out under section 2101 of this Act
8 may not exceed the sum of the following:

9 (1) The total amount authorized to be appro-
10 priated under paragraphs (1), (2), and (3) of sub-
11 section (a).

12 (2) \$204,000,000 (the balance of the amount
13 authorized under section 2101(a) for construction of
14 a brigade complex for Fort Lewis, Washington).

15 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
16 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

17 (a) MODIFICATION.—The table in section 2101(a) of
18 the Military Construction Authorization Act for Fiscal
19 Year 2006 (division B of Public Law 109–163; 119 Stat.
20 3485) is amended in the item relating to Fort Bragg,
21 North Carolina, by striking “\$301,250,000” in the
22 amount column and inserting “\$308,250,000”.

23 (b) CONFORMING AMENDMENTS.—Section
24 2104(b)(5) of that Act (119 Stat. 3488) is amended by
25 striking “\$77,400,000” and inserting “\$84,400,000”.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Alabama	Outlying Field Evergreen	9,560,000
Arizona	Marine Corps Air Station, Yuma	33,720,000
California	Marine Corps Base, Camp Pendleton	166,150,000
	Naval Station, San Diego	23,630,000
	Marine Corps Base, Twentynine Palms	34,329,000
Florida	Marine Corps Logistics Base, Blount Island (Jacksonville)	7,570,000
	Naval Surface Warfare Center, Coastal Systems Station, Panama City	13,870,000
Hawaii	Marine Corps Air Station, Kaneohe	37,961,000
	Naval Base, Pearl Harbor	99,860,000
	Naval Station Pearl Harbor, Wahiawa	65,410,000
Illinois	Naval Training Center, Great Lakes	10,221,000
Maryland	Naval Air Warfare Center, Patuxent River	38,360,000
North Carolina	Marine Corps Air Station, Cherry Point	28,610,000
	Marine Corps Air Station, New River	54,430,000
	Marine Corps Base, Camp Lejeune	154,390,000
South Carolina	Marine Corps Air Station, Beaufort	6,800,000
	Marine Corps Recruit Depot, Parris Island	30,852,000
Texas	Naval Air Station, Corpus Christi	14,290,000
Virginia	Naval Support Activity, Chesapeake	8,450,000
	Naval Station, Norfolk	65,360,000
	Marine Corps Base, Quantico	45,519,000
Washington	Bremerton	119,760,000
	Naval Air Station, Whidbey Island	23,910,000
	Total	1,093,012,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropria-

1 tions in section 2204(a)(2), the Secretary of the Navy may
 2 acquire real property and carry out military construction
 3 projects for the installation or location outside the United
 4 States, and in the amounts, set forth in the following
 5 table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	35,500,000
Diego Garcia	Naval Support Facility, Diego Garcia	7,150,000
Djibouti	Camp Lemonier	22,390,000
Guam	Naval Activities, Guam	278,818,000
	Total	343,858,000

6 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2204(a)(3), the Secretary of the Navy may
 9 acquire real property and carry out military construction
 10 projects for unspecified installations or locations in the
 11 amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Wharf Utilities Upgrade	8,900,000
	Growing the Force	361,120,000
	Host Nation Infrastructure	2,700,000
	Total	372,720,000

12 **SEC. 2202. FAMILY HOUSING.**

13 (a) CONSTRUCTION AND ACQUISITION.—Using
 14 amounts appropriated pursuant to the authorization of ap-
 15 propriations in section 2204(a)(6)(A), the Secretary of the
 16 Navy may construct or acquire family housing units (in-

cluding land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
Mariana Islands	Naval Activities, Guam	73 Units	57,167,000
		Total	57,167,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,172,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$237,990,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for mili-

1 tary construction, land acquisition, and military family
2 housing functions of the Department of the Navy in the
3 total amount of \$2,774,009,000, as follows:

4 (1) For military construction projects inside the
5 United States authorized by section 2201(a),
6 \$1,093,012,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2201(b),
9 \$343,858,000.

10 (3) For military construction projects at un-
11 specified worldwide locations authorized by section
12 2201(c), \$372,720,000.

13 (4) For unspecified minor military construction
14 projects authorized by section 2805 of title 10,
15 United States Code, \$10,000,000.

16 (5) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$110,167,000.

19 (6) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$298,329,000.

23 (B) For support of military family housing
24 (including functions described in section 2833
25 of title 10, United States Code), \$371,404,000.

1 (7) For the construction of increment 2 of the
2 National Maritime Intelligence Center, Suitland,
3 Maryland, authorized by section 2201(a) of the Mili-
4 tary Construction Authorization Act for Fiscal Year
5 2007 (division B of Public Law 109–364; 120 Stat.
6 2448), \$52,069,000.

7 (8) For the construction of increment 3 of re-
8 cruit training barracks infrastructure upgrade at
9 Recruit Training Command, Great Lakes, Illinois,
10 authorized by section 2201(a) of the Military Con-
11 struction Authorization Act for Fiscal Year 2006
12 (division B of Public Law 109–163; 119 Stat.
13 3490), \$16,650,000.

14 (9) For the construction of the next increment
15 of wharf upgrades at Yokosuka, Japan, authorized
16 by section 2201(b) of the Military Construction Au-
17 thorization Act of Fiscal Year 2006 (division B of
18 Public Law 109–163; 119 Stat. 3490), \$8,750,000.

19 (10) For the construction of increment 2 of the
20 Bachelor Enlisted Quarters Homeport Ashore Pro-
21 gram at Bremerton, Washington, authorized by sec-
22 tion 2201(a) of the Military Construction Authoriza-
23 tion Act of Fiscal Year 2006 (division B of Public
24 Law 109–163; 119 Stat. 3490), \$47,240,000.

1 (11) For the construction of the next increment
2 of the outlying landing field facilities at Wash-
3 ington County, North Carolina, authorized by sec-
4 tion 2201(a) of the Military Construction Authoriza-
5 tion Act of Fiscal Year 2005 (division B of Public
6 Law 108–375; 118 Stat. 2101), \$10,060,000.

7 (12) For the construction of increment 4 of the
8 limited area production and storage complex at
9 Naval Submarine Base, Kitsap, Bangor, Wash-
10 ington, authorized by section 2201(a) of the Military
11 Construction Authorization Act of Fiscal Year 2005
12 (division B of Public Law 108–375; 118 Stat.
13 2106), \$39,750,000.

14 **TITLE XXIII—AIR FORCE**

15 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 16 **LAND ACQUISITION PROJECTS.**

17 (a) **INSIDE THE UNITED STATES.**—Using amounts
18 appropriated pursuant to the authorization of appropria-
19 tions in section 2304(a)(1), the Secretary of the Air Force
20 may acquire real property and carry out military construc-
21 tion projects for the installations or locations inside the
22 United States, and in the amounts, set forth in the fol-
23 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	70,180,000
Arizona	Davis-Monthan Air Force Base	11,200,000
California	Travis Air Force Base	26,600,000
Colorado	Fort Carson	13,500,000
	Schriever Air Force Base	24,500,000
	United States Air Force Academy	15,000,000
District of Columbia	Bolling Air Force Base	2,500,000
Florida	Eglin Air Force Base	158,300,000
	MaeDill Air Force Base	57,000,000
	Patrick Air Force Base	11,854,000
	Tyndall Air Force Base	44,114,000
Georgia	Robins Air Force Base	14,700,000
Hawaii	Hickam Air Force Base	31,971,000
Illinois	Scott Air Force Base	16,700,000
Kansas	Fort Riley	12,515,000
Nebraska	Offutt Air Force Base	16,952,000
New Mexico	Cannon Air Force Base	1,688,000
North Dakota	Minot Air Force Base	18,200,000
Oklahoma	Altus Air Force Base	2,000,000
	Tinker Air Force Base	34,600,000
Texas	Lackland Air Force Base	14,000,000
Utah	Hill Air Force Base	16,799,000
Wyoming	Francis E. Warren Air Force Base	14,600,000
	Total	629,473,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	48,209,000
Guam	Andersen Air Force Base	10,000,000
Qatar	Al Udeid Air Base	22,300,000
Spain	Moron Air Base	1,800,000
United Kingdom	Royal Air Force Lakenheath	17,300,000
	Royal Air Force Menwith Hill Station	41,000,000
	Total	140,609,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2304(a)(3), the Secretary of the Air Force
 4 may acquire real property and carry out military construc-
 5 tion projects for unspecified installations or locations in
 6 the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	1,500,000
	Classified—Special Evaluation Program	13,940,000
	Total	15,440,000

7 **SEC. 2302. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using
 9 amounts appropriated pursuant to the authorization of ap-
 10 propriations in section 2304(a)(6)(A), the Secretary of the
 11 Air Force may construct or acquire family housing units
 12 (including land acquisition and supporting facilities) at the
 13 installations, in the number of units, and in the amounts
 14 set forth in the following table:

Air Force: Family Housing

State	Installation or Lo- cation	Purpose	Amount
Germany	Ramstein Air Base	117 Units	56,275,000
	Total		56,275,000

15 (b) PLANNING AND DESIGN.—Using amounts appro-
 16 priated pursuant to the authorization of appropriations in
 17 section 2304(a)(6)(A), the Secretary of the Air Force may

1 carry out architectural and engineering services and con-
2 struction design activities with respect to the construction
3 or improvement of family housing units in an amount not
4 to exceed \$12,210,000.

5 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
6 **UNITS.**

7 Subject to section 2825 of title 10, United States
8 Code, and using amounts appropriated pursuant to the
9 authorization of appropriations in section 2304(a)(6)(A),
10 the Secretary of the Air Force may improve existing mili-
11 tary family housing units in an amount not to exceed
12 \$294,262,000.

13 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
14 **FORCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal years beginning after September 30, 2007, for mili-
17 tary construction, land acquisition, and military family
18 housing functions of the Department of the Air Force in
19 the total amount of \$1,963,191,000, as follows:

20 (1) For military construction projects inside the
21 United States authorized by section 2301(a),
22 \$629,473,000.

23 (2) For military construction projects outside
24 the United States authorized by section 2301(b),
25 \$140,609,000.

1 (3) For the military construction projects at
2 unspecified worldwide locations authorized by section
3 2301(c), \$15,440,000.

4 (4) For unspecified minor military construction
5 projects authorized by section 2805 of title 10,
6 United States Code, \$15,000,000.

7 (5) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$51,587,000.

10 (6) For military family housing functions:

11 (A) For construction and acquisition, plan-
12 ning and design, and improvement of military
13 family housing and facilities, \$362,747,000.

14 (B) For support of military family housing
15 (including functions described in section 2833
16 of title 10, United States Code), \$688,335,000.

17 (7) For the construction of phase 3 of the main
18 base runway at Edwards Air Force Base, California,
19 authorized by section 2301(a) of the Military Con-
20 struction Authorization Act for Fiscal Year 2006
21 (division B of Public Law 109–163; 119 Stat.
22 3494), \$35,000,000.

23 (8) For the construction of phase 3 of the
24 CENTCOM Joint Intelligence Center at MacDill Air
25 Force Base, Florida, authorized by section 2301(a)

1 of the Military Construction Authorization Act for
2 Fiscal Year 2006 (division B of Public Law 109–
3 163; 119 Stat. 3494), \$25,000,000.

4 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
5 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

6 The table in section 2301(a) of the Military Construc-
7 tion Authorization Act for Fiscal Year 2006 (division B
8 of Public Law 109–163; 119 Stat. 3494), as amended by
9 section 2305(a) of the Military Construction Authorization
10 Act for Fiscal Year 2007 (division B of Public Law 109–
11 364; 120 Stat. 2456), is further amended by striking
12 “\$101,500,000” in the amount column and inserting
13 “\$126,500,000”.

14 **TITLE XXIV—DEFENSE**
15 **AGENCIES**

16 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
17 **TION AND LAND ACQUISITION PROJECTS.**

18 (a) **INSIDE THE UNITED STATES.**—Using amounts
19 appropriated pursuant to the authorization of appropria-
20 tions in section 2404(a)(1), the Secretary of Defense may
21 acquire real property and carry out military construction
22 projects for the installations or locations inside the United
23 States, and in the amounts, set forth in the following
24 table:

Defense Agencies: Inside the United States

Agency	Installation or Location	Amount
Defense Education Activity	Marine Corps Base, Camp Lejeune, North Carolina	2,014,000
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	1,012,000
Defense Logistics Agency	Point Loma Annex, California	140,000,000
	Naval Air Station, Key West, Florida	1,874,000
	Hickam Air Force Base, Hawaii	26,000,000
	Kirtland Air Force Base, New Mexico	1,800,000
	Defense Supply Center Columbus, Ohio	4,000,000
	Defense Distribution Depot, New Cumberland, Pennsylvania	21,000,000
	Fort Belvoir, Virginia	5,000,000
National Security Agency	Fort Meade, Maryland	11,901,000
Special Operations Command	Marine Corps Base, Camp Pendleton, California	20,030,000
	Naval Amphibious Base, Coronado, California	12,000,000
	Hurlburt Field, Florida	29,111,000
	MacDill Air Force Base, Florida	47,700,000
	Fort Benning, Georgia	35,000,000
	Hunter Army Air Field, Georgia	13,800,000
	Fort Campbell, Kentucky	53,500,000
	Cannon Air Force Base, New Mexico	7,500,000
	Fort Bragg, North Carolina	47,250,000
	Marine Corps Base, Camp Lejeune, North Carolina	28,210,000
	Dam Neck, Virginia	108,500,000
	Naval Amphibious Base, Little Creek, Virginia	99,000,000
	Fort Lewis, Washington	77,000,000
Tri-Care Management Activity	MacDill Air Force Base, Florida	5,000,000
	Naval Hospital Great Lakes, Illinois	99,000,000
	Fort Drum, New York	41,000,000
	Camp Bullis, Texas	7,400,000
	Naval Station, Norfolk, Virginia	6,450,000
Washington Headquarters Services	Fort Lewis, Washington	21,000,000
	Pentagon Reservation	18,531,000
Total		991,583,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Education Activity	Sterrebeek, Belgium	5,992,000
	Ramstein Air Base, Germany	5,393,000
	Wiesbaden Air Base, Germany	20,472,000
Special Operations Command	Southwest Asia, Bahrain	19,000,000
	Qatar	52,852,000
Tri-Care Management Activity	Spangdahlem Air Base, Germany	30,100,000
	Total	133,809,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2404(a)(3), the Secretary of Defense may
 4 acquire real property and carry out military construction
 5 projects for unspecified installations or locations in the
 6 amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	1,887,000
	Total	1,887,000

7 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

8 Using amounts appropriated pursuant to the author-
 9 ization of appropriations in section 2403(a)(6), the Sec-
 10 retary of Defense may carry out energy conservation
 11 projects under chapter 173 of title 10, United States
 12 Code, in the amount of \$70,000,000.

1 **SEC. 2403. AUTHORIZED BASE CLOSURE AND REALIGN-**
2 **MENT ACTIVITIES FUNDED THROUGH DE-**
3 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
4 **COUNT 2005.**

5 Using amounts appropriated pursuant to the author-
6 ization of appropriations in section 2404(a)(9), the Sec-
7 retary of Defense may carry out base closure and realign-
8 ment activities, including real property acquisition and
9 military construction projects, as authorized by the De-
10 fense Base Closure and Realignment Act of 1990 (part
11 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
12 note) and funded through the Department of Defense
13 Base Closure Account 2005 established by section 2906A
14 of such Act, in the amount of \$10,703,059,000.

15 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**
16 **FENSE AGENCIES.**

17 Funds are hereby authorized to be appropriated for
18 fiscal years beginning after September 30, 2007, for mili-
19 tary construction, land acquisition, and military family
20 housing functions of the Department of Defense (other
21 than the military departments) in the total amount of
22 \$10,243,688,000, as follows:

23 (1) For military construction projects inside the
24 United States authorized by section 2401(a),
25 \$977,483,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2401(b),
3 \$133,809,000.

4 (3) For the military construction projects at
5 unspecified worldwide locations authorized by section
6 2301(c), \$1,887,000.

7 (4) For unspecified minor military construction
8 projects under section 2805 of title 10, United
9 States Code, \$23,711,000.

10 (5) For contingency construction projects of the
11 Secretary of Defense under section 2804 of title 10,
12 United States Code, \$10,000,000.

13 (6) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$154,728,000.

16 (7) For Energy Conservation projects author-
17 ized by section 2402 of this Act, \$70,000,000.

18 (8) For base closure and realignment activities
19 as authorized by the Defense Base Closure and Re-
20 alignment Act of 1990 (part A of title XXIX of
21 Public Law 101–510; 10 U.S.C. 2687 note) and
22 funded through the Department of Defense Base
23 Closure Account 1990 established by section 2906 of
24 such Act, \$220,689,000.

1 (9) For base closure and realignment activities
2 authorized by section 2403 of this Act and funded
3 through the Department of Defense Base Closure
4 Account 2005 established by section 2906A of the
5 Defense Base Closure and Realignment Act of 1990
6 (part A of title XXIX of Public Law 101–510; 10
7 U.S.C. 2687 note), \$8,174,315,000.

8 (10) For military family housing functions:

9 (A) For support of military family housing
10 (including functions described in section 2833
11 of title 10, United States Code), \$48,848,000.

12 (B) For credit to the Department of De-
13 fense Family Housing Improvement Fund es-
14 tablished by section 2883(a)(1) of title 10,
15 United States Code, \$500,000.

16 (11) For the construction of increment 3 of the
17 NSA/CSS Hawaii replacement at Kunia, Hawaii, au-
18 thorized by section 2401(a) of the Military Construc-
19 tion Authorization Act of Fiscal Year 2006 (division
20 B of Public Law 109–163; 119 Stat. 3497), as
21 amended by section 7017 of the Emergency Supple-
22 mental Appropriation Act for Defense, Global War
23 on Terrorism and Hurricane Relief (Public Law
24 109–234; 120 Stat. 485), \$136,318,000.

1 (12) For the construction of increment 3 of the
2 NSA/CSS replacement at Augusta, Georgia, author-
3 ized by section 2401(a) of the Military Construction
4 Authorization Act of Fiscal Year 2006 (division B of
5 Public Law 109–163; 119 Stat. 3497), as amended
6 by section 7016 of the Emergency Supplemental Ap-
7 propriation Act for Defense, Global War on Ter-
8 rorism and Hurricane Relief (Public Law 109–234;
9 120 Stat. 485), \$100,000,000.

10 (13) For the construction of increment 2 of the
11 clinic replacement at MacDill Air Force Base, Flor-
12 ida, authorized by section 2401(a) of the Military
13 Construction Authorization Act of Fiscal Year 2007
14 (division B of Public Law 109–364; 120 Stat.
15 2457), \$41,400,000.

16 (14) For the construction of increment 2 of the
17 USAMRIID Stage 1 at Fort Detrick, Maryland, au-
18 thorized by section 2401(a) of the Military Construc-
19 tion Authorization Act of Fiscal Year 2007 (division
20 B of Public Law 109–364; 120 Stat. 2457),
21 \$150,000,000.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2007, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment Program authorized by
22 section 2501, in the amount of \$201,400,000.

1 **TITLE XXVI—CHEMICAL**
2 **DEMILITARIZATION PROGRAM**

3 **SEC. 2601. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
4 **ICAL DEMILITARIZATION CONSTRUCTION,**
5 **DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2007, for mili-
8 tary construction and land acquisition for Chemical De-
9 militarization in the total amount of \$86,176,000, as fol-
10 lows:

11 (1) For the construction of phase 9 of a muni-
12 tions demilitarization facility at Pueblo Chemical Ac-
13 tivity, Colorado, authorized by section 2401(a) of the
14 Military Construction Authorization Act for Fiscal
15 Year 1997 (division B of Public Law 104–201; 110
16 Stat. 2775), as amended by section 2406 of the Mili-
17 tary Construction Authorization Act for Fiscal Year
18 2000 (division B of Public Law 106–65; 113 Stat.
19 839), and section 2407 of the Military Construction
20 Authorization Act for Fiscal Year 2003 (division B
21 of Public Law 107–314; 116 Stat. 2699),
22 \$35,159,000.

23 (2) For the construction of phase 8 of a muni-
24 tions demilitarization facility at Blue Grass Army
25 Depot, Kentucky, authorized by section 2401(a) of

1 the Military Construction Authorization Act for Fis-
2 cal Year 2000 (division B of Public Law 106–65;
3 113 Stat. 835), as amended by section 2405 of the
4 Military Construction Authorization Act for Fiscal
5 Year 2002 (division B of Public Law 107–107; 115
6 Stat. 1298), and section 2405 of the Military Con-
7 struction Authorization Act for Fiscal Year 2003
8 (division B of Public Law 107–314; 116 Stat.
9 2698), \$51,017,000.

10 **TITLE XXVII—GUARD AND**
11 **RESERVE FORCES FACILITIES**

12 **SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
13 **TION AND LAND ACQUISITION PROJECTS.**

14 Funds are hereby authorized to be appropriated for
15 fiscal years beginning after September 30, 2007, for the
16 costs of acquisition, architectural and engineering services,
17 and construction of facilities for the reserve components,
18 and for contributions therefore, under chapter 1803 of
19 title 10, United States Code (including the cost of acqui-
20 sition of land for those facilities), in the following amounts:

- 21 (1) For the Department of the Army—
22 (A) for the Army National Guard of the
23 United States, \$404,291,000; and
24 (B) for the Army Reserve, \$119,684,000.

1 (2) For the Department of the Navy, for the
2 Navy Reserve and Marine Corps Reserve,
3 \$59,150,000.

4 (3) For the Department of the Air Force—

5 (A) for the Air National Guard of the
6 United States, \$85,517,000; and

7 (B) for the Air Force Reserve,
8 \$26,559,000.

9 **TITLE XXVIII—EXPIRATION AND**
10 **EXTENSION OF AUTHORIZA-**
11 **TIONS**

12 **SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND**
13 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
14 **LAW.**

15 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
16 YEARS.—Except as provided in subsection (b), all author-
17 izations contained in titles XXI through XXVII for mili-
18 tary construction projects, land acquisition, family housing
19 projects and facilities, and contributions to the North At-
20 lantic Treaty Organization Security Investment Program
21 (and authorizations of appropriations therefore) shall ex-
22 pire on the later of—

23 (1) October 1, 2010; or

1 (2) the date of the enactment of an Act author-
2 izing funds for military construction for fiscal year
3 2011.

4 (b) EXCEPTION.—Subsection (a) shall not apply to
5 authorizations for military construction projects, land ac-
6 quisition, family housing projects and facilities, and con-
7 tributions to the North Atlantic Treaty Organization Se-
8 curity Investment Program (and authorizations of appro-
9 priations therefore), for which appropriated funds have
10 been obligated before the later of—

11 (1) October 1, 2010; or

12 (2) the date of the enactment of an Act author-
13 izing funds for fiscal year 2011 for military con-
14 struction projects, land acquisition, family housing
15 projects and facilities, or contributions to the North
16 Atlantic Treaty Organization Security Investment
17 Program.

18 **SEC. 2802. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
19 **FISCAL YEAR 2005 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2701 of
21 the Military Construction Authorization Act for Fiscal
22 Year 2005 (division B of Public Law 108–375; 118 Stat.
23 2100), authorizations set forth in the tables in subsection
24 (b), as provided in sections 2101, 2302, 2401, and 2701
25 of that Act, shall remain in effect until October 1, 2008,

1 or the date of the enactment of an Act authorizing funds
 2 for military construction for fiscal year 2009, whichever
 3 is later.

4 (b) TABLES.—The tables referred to in subsection (a)
 5 are as follows:

Army: Extension of 2005 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Combined Arms Collective Training Facility	32,542,000

Air Force: Extension of 2005 Project Authorizations

State	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	30,906,000
Florida	MacDill Air Force Base	Replace Family Housing (61 units)	21,723,000
		Construct Housing Maintenance Facility	1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	32,693,000
Texas	Goodfellow Air Force Base	Replace Family Housing (127 units)	20,604,000

Defense Wide: Extension of 2005 Project Authorizations

Agency	Installation or Location	Project	Amount
Defense Logistics Agency	Naval Air Station, Oceana, Virginia	Bulk Fuel Storage Tank	3,589,000
Tri-Care Management Activity	Naval Air Station, Jacksonville, Florida	Hospital Addition/Alteration	28,438,000

Army National Guard: Extension of 2005 Project Authorizations

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center (ADRS)	11,318,000
Indiana	Gary	Armed Forces Reserve Center	9,380,000

Army Reserves: Extension of 2005 Project Authorizations

State	Installation or Location	Project	Amount
Texas	Corpus Christi (Robstown)	Controlled Humidity Storage, Phase I	9,038,000

1 **SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2004 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2004 (division B of Public Law 108–136; 117 Stat.
6 1716), authorizations set forth in the tables in subsection
7 (b), as provided in sections 2302 and 2701 of that Act,
8 shall remain in effect until October 1, 2008, or the date
9 of the enactment of an Act authorizing funds for military
10 construction for fiscal year 2009, whichever is later.

11 (b) TABLES.—The tables referred to in subsection (a)
12 are as follows:

Air Force: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
California	Travis Air Force Base	Replace Family Housing (56 units)	12,723,000
Florida	Eglin Air Force Base	Replace Family Housing (279 units)	32,166,000

Army National Guard: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
New Mexico	Albuquerque	Readiness Center, Add/Alt (ADRS)	2,533,000
Pennsylvania	Fort Indiantown Gap	Multi-purpose Training Range	15,338,000

1 **TITLE XXIX—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **Subtitle A—Military Construction**
5 **Program and Military Family**
6 **Housing Changes**

7 **SEC. 2901. ALTERNATIVE AUTHORITY FOR ACQUISITION**
8 **AND IMPROVEMENT OF MILITARY HOUSING.**

9 Section 2883(c) of title 10, United States Code, is
10 amended—

11 (1) in paragraph (1), by adding at the end the
12 following new subparagraph:

13 “(G) Subject to subsection (f), any
14 amounts that the Secretary of Defense trans-
15 fers to that Fund from amounts in the Depart-
16 ment of Defense Base Closure Account 2005.”;
17 and

18 (2) in paragraph (2), by adding at the end the
19 following new subparagraph:

20 “(G) Subject to subsection (f), any
21 amounts that the Secretary of Defense trans-

1 fers to that Fund from amounts in the Depart-
2 ment of Defense Base Closure Account 2005.”.

3 **SEC. 2902. INCREASED THRESHOLD FOR CONGRESSIONAL**
4 **NOTIFICATION OF LEASES FOR MILITARY**
5 **FAMILY HOUSING FACILITIES IN A FOREIGN**
6 **COUNTRY.**

7 Section 2828(f) of title 10, United States Code, is
8 amended by striking “\$500,000” and inserting
9 “\$1,000,000”.

10 **SEC. 2903. UPDATING FOREIGN CURRENCY FLUCTUATION**
11 **ADJUSTMENT FOR CERTAIN MILITARY FAM-**
12 **ILY HOUSING LEASES IN KOREA.**

13 Section 2828(e)(5)(A) of title 10, United States
14 Code, is amended to read as follows:

15 “(A) for—

16 “(i) foreign currency fluctuations
17 from October 1, 1987, in the case of max-
18 imum lease amounts provided for under
19 paragraphs (1), (2), and (3); or

20 “(ii) foreign currency appreciation
21 during the previous fiscal year, starting
22 from October 1, 2002, in the case of the
23 maximum lease amount provided for under
24 paragraph (4); and”.

1 **SEC. 2904. FLEXIBILITY IN DETERMINING DOMESTIC FAM-**
2 **ILY HOUSING LEASE MAXIMUMS.**

3 Section 2828(b) of title 10, United States Code, is
4 amended—

5 (1) in paragraph (2), by striking “paragraphs
6 (3) and (4)” and inserting “paragraphs (3), (4), and
7 (7)”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(7) The Secretary of the Army may lease not
11 more than 600 of the 10,000 family housing units
12 provided in paragraph (1) at an amount not greater
13 than 33 percent above the maximum lease amount
14 under paragraph (3), as adjusted under paragraph
15 (5) for the fiscal year in which a unit is leased under
16 this paragraph. The maximum lease amount pro-
17 vided in this paragraph shall apply only to Army
18 family housing in areas designated by the Secretary
19 of the Army and for leases not to exceed a term of
20 2 years.”.

21 **SEC. 2905. EXTENSION OF AUTHORITY TO ACCEPT EQUALI-**
22 **ZATION PAYMENTS FOR FACILITY EX-**
23 **CHANGES.**

24 Paragraph (5) of section 2809(c) of the Ronald W.
25 Reagan National Defense Authorization Act for Fiscal
26 Year 2005 (Public Law 108–375; 118 Stat. 2126) is

1 amended by striking “September 30, 2007” and inserting
2 “September 30, 2010”.

3 **SEC. 2906. FLEXIBLE FINANCING OF MILITARY HOUSING**
4 **PRIVATIZATION INITIATIVE.**

5 Section 2883 of title 10, United States Code, is
6 amended—

7 (1) in subsection (c)—

8 (A) in paragraph (1)(D)—

9 (i) by striking “interest on loans made
10 under section 2873 of this title,”;

11 (ii) by striking “and any” and insert-
12 ing “any”; and

13 (iii) by inserting before the period at
14 the end the following: “, and excluding
15 amounts from any transactions pursuant
16 to loans made under section 2873 of this
17 title”; and

18 (B) in paragraph (2)(D)—

19 (i) by striking “interest on loans made
20 under section 2873 of this title,”;

21 (ii) by striking “and any” and insert-
22 ing “any”; and

23 (iii) by inserting before the period at
24 the end the following: “, and excluding
25 amounts from any transactions pursuant

1 to loans made under section 2873 of this
2 title”; and

3 (2) by adding at the end of subsection (d) the
4 following new paragraph:

5 “(4) Notwithstanding paragraphs (1) and (2),
6 the Secretary of Defense may use amounts credited
7 to the Funds under paragraphs (1)(C), (1)(D),
8 (2)(C), and (2)(D) in subsection (c) without appro-
9 priation. The Secretary may use such funds only
10 after—

11 “(A) the end of the 30-day period begin-
12 ning on the date the Secretary submits written
13 notice of, and justification for, the use of such
14 amounts to the appropriate committees of Con-
15 gress; or

16 “(B) if earlier, the end of the 14-day pe-
17 riod beginning on the date on which a copy of
18 the notice and justification is provided in an
19 electronic medium pursuant to section 480 of
20 this title.”.

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2911. CONSOLIDATION OF REAL PROPERTY PROVI-**
4 **SIONS WITHOUT SUBSTANTIVE CHANGE.**

5 (a) CONSOLIDATION.—Section 2663 of title 10,
6 United States Code, is amended by adding at the end the
7 following new subsection:

8 “(h) OPTIONS FOR MILITARY CONSTRUCTION
9 PROJECTS.—(1) The Secretary of a military department
10 may acquire an option on a parcel of real property before
11 or after its acquisition is authorized by law, if he considers
12 it suitable and likely to be needed for a military project
13 of his department.

14 “(2) As consideration for an option acquired under
15 paragraph (1), the Secretary may pay, from funds avail-
16 able to his department for real property activities, an
17 amount that is not more than 12 percent of the appraised
18 fair market value of the property.”.

19 (b) CONFORMING AMENDMENTS.—(1) Section 2677
20 of such title is repealed.

21 (2) The table of sections at the beginning of chapter
22 159 of such title is amended by striking the item relating
23 to section 2677.

1 **SEC. 2912. TRANSFER OF THE AIR FORCE MEMORIAL TO**
2 **THE DEPARTMENT OF THE AIR FORCE.**

3 (a) TRANSFER OF JURISDICTION.—Notwithstanding
4 any other provision of section 2863 of the National De-
5 fense Authorization Act for Fiscal Year 2002 (Public Law
6 107–107; 115 Stat. 1330), and section 2881 of the Na-
7 tional Defense Authorization Act for Fiscal Year 2000
8 (Public Law 106–65; 113 Stat. 879), administrative juris-
9 diction, custody, and control of the parcel of land de-
10 scribed in section 2863(b)(1) of the National Defense Au-
11 thorization Act for Fiscal Year 2002 is hereby transferred
12 to the Secretary of the Air Force.

13 (b) ACCESS AND MANAGEMENT OF THE AIR FORCE
14 MEMORIAL.—In addition to existing authorities, the Sec-
15 retary of the Air Force may enter into a cooperative agree-
16 ment with the Air Force Memorial Foundation or other
17 appropriate private organizations to provide management,
18 maintenance and repair of the Air Force Memorial and
19 surrounding site and to guarantee public access to the me-
20 morial.

21 **SEC. 2913. EXPANSION OF AUTHORITY TO EXCHANGE RE-**
22 **SERVE COMPONENT FACILITIES.**

23 Section 18240(a) of title 10, United States Code is
24 amended by striking “with a State” in the first sentence
25 and inserting “with an executive agency as that term is

1 defined in section 105 of title 5, the United States Postal
2 Service, a State”.

3 **Subtitle C—Land Conveyances**

4 **SEC. 2921. LAND TRANSFER OF ARLINGTON NAVAL ANNEX** 5 **TO ARLINGTON NATIONAL CEMETERY.**

6 Section 2881(h) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2000 (Public Law 106–65; 113
8 Stat. 879), is amended by striking paragraphs (1) and (2)
9 and inserting the following new paragraphs:

10 “(1) January 1, 2013;

11 “(2) the date when the Arlington Naval Annex
12 property is no longer required (as determined by the
13 Secretary of Defense) for use as temporary office
14 space; or

15 “(3) twelve months after the date the Secretary
16 of the Army notifies the Secretary of Defense that
17 the Arlington Naval Annex property is needed for
18 the expansion of Arlington National Cemetery.”.

19 **Subtitle D—Other Matters**

20 **SEC. 2931. AUTHORITY TO USE OPERATION AND MAINTENANCE** 21 **FUNDS FOR CONSTRUCTION** 22 **PROJECTS OUTSIDE THE UNITED STATES.**

23 (a) IN GENERAL.—Chapter 169 of title 10, United
24 States Code, is amended by inserting after section 2809
25 the following new section:

1 **“§ 2810. Authority to use operation and maintenance**
2 **funds for construction projects outside**
3 **the United States**

4 “(a) IN GENERAL.—The Secretary of Defense may
5 obligate appropriated funds available for operation and
6 maintenance to carry out a construction project outside
7 the United States that the Secretary determines meets
8 each of the following conditions:

9 “(1) The construction is necessary to meet ur-
10 gent military operational requirements involving the
11 use of the armed forces in support of a declaration
12 of war, the declaration by the President of a na-
13 tional emergency under section 201 of the National
14 Emergencies Act (50 U.S.C. 1621), or a contingency
15 operation.

16 “(2) The requirement is of a temporary nature,
17 such that there is no intention of using the construc-
18 tion after the operational requirements have been
19 satisfied.

20 “(3) The level of construction is the minimum
21 necessary to meet the temporary operational require-
22 ments.

23 “(b) LIMITATION ON USE OF AUTHORITY.—(1) The
24 total cost of the construction projects carried out under
25 this section shall not exceed \$200,000,000 in any fiscal
26 year.

1 “(2) The Secretary of Defense may waive the
2 limitation imposed by paragraph (1) if the Secretary
3 determines that the obligation of operation and
4 maintenance funds for construction projects in ex-
5 cess of the amount specified in such paragraph is
6 vital to the national security.

7 “(3) Upon use of the waiver authority granted
8 by paragraph (2), the Secretary shall notify the Of-
9 fice of Management and Budget of the amounts of
10 operation and maintenance funds obligated in excess
11 of \$200,000,000 along with a description of the
12 projects so funded.

13 “(c) RELATION TO OTHER AUTHORITIES.—The au-
14 thority provided by this section, and the limited authority
15 provided by section 2805(c) of this title, are the only au-
16 thorities available to the Secretary of Defense and the Sec-
17 retaries of the military departments to use appropriated
18 funds available for operation and maintenance to carry out
19 construction projects.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such chapter is amended by inserting
22 after the item relating to section 2809 the following new
23 item:

“2810. Authority to use operation and maintenance funds for construction
projects outside the United States.”.

1 **SEC. 2932. STREAMLINING MILITARY CONSTRUCTION TO**
2 **REDUCE FACILITY ACQUISITION AND CON-**
3 **STRUCTION CYCLE TIME.**

4 Section 2805 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a)(1)—

7 (A) by striking “\$1,500,000” and inserting
8 “\$3,000,000”; and

9 (B) by striking “\$3,000,000” in the last
10 sentence and inserting “\$7,000,000”;

11 (2) in subsection (b)(1), by striking “\$750,000”
12 and inserting “\$1,500,000”; and

13 (3) in subsection (c)(1)—

14 (A) in subparagraph (A)—

15 (i) by striking “\$1,500,000” and in-
16 serting “\$3,000,000”; and

17 (ii) by striking “or” at the end;

18 (B) in subparagraph (B)—

19 (i) by striking “\$750,000” and insert-
20 ing “\$1,500,000”; and

21 (ii) by striking the period at the end
22 and inserting “; or” and

23 (C) by adding at the end the following new
24 subparagraph:

25 “(C) \$2,000,000, in cases where the dis-
26 posal of obsolete facilities as part of the project

1 results in a reduction in facility footprint at
2 least equal to the footprint of the new facility.
3 The approving official must certify the demoli-
4 tion (or disposal by other means) of the offset-
5 ting facility.”.

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